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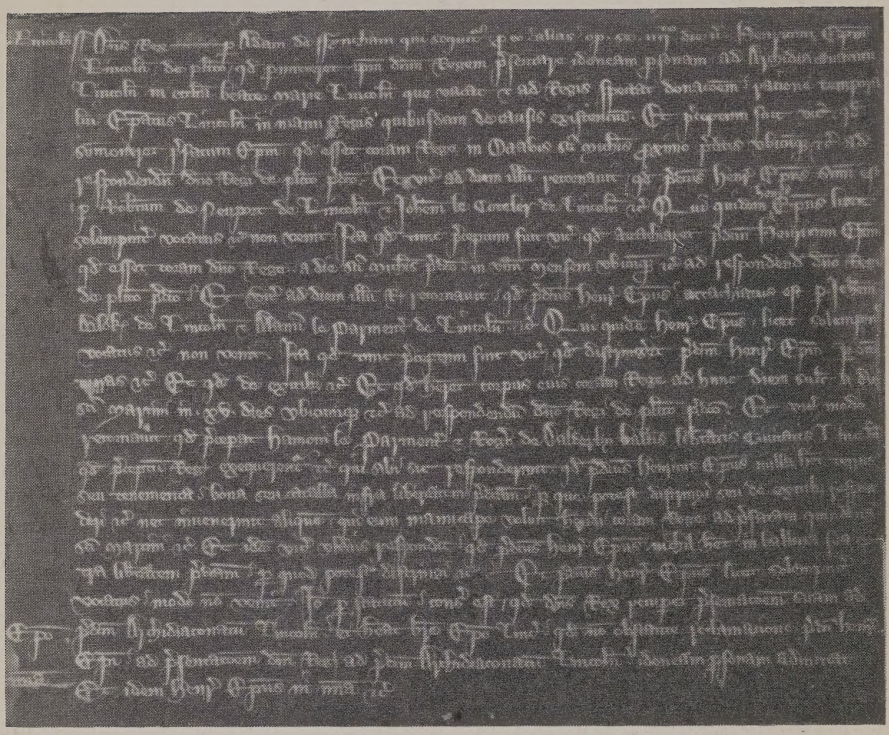

Process in the Court of King's Bench against the bishop of Lincoln. K. B., 27/254, m. 30.

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EPISCOPAL APPOINTMENTS AND PATRONAGE in the Reign of Edward II.

A Study in the Relations of Church and State

By Waldo E. L. Smith, M.A., Ph.D.

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FOREWORD

This essay was first submitted as a doctoral dissertation at the University of Edinburgh in 1931. At the time it seemed a rather isolated study of quite limited interest and the idea of publishing it was not entertained. Since then, however, important works have appeared on subjects closely related to this, notably *Bishops and Reform, 1215-72,* by the Misses Gibbs and Lang, and *Studies in Church Life under Edward III,* by Kathleen Wood-Legh. The following short essay dealing with the reign of Edward II may perhaps now be considered as having a place in the gap between these more important studies.

Since this thesis was written, Geoffrey Barraclough's very valuable *Papal Provisions* has appeared. This has given a comprehensive account of the development of provisions which renders any general treatment here superfluous. That author's conclusion that the actual effectiveness of papal provisions is to be discovered only through the records in the provinces is supported by the evidence met in preparing this essay. On the other hand, the various considerations that actuated the popes in providing to benefices are to be understood adequately only by the inclusion of materials in Rome, and it has always been my regret that this could not be done for the study that follows. One is ready to recognize that in the disputed provisions that are examined here there may have been purposes held at Rome that are not evident in the source material available in England. At the same time I would hold to the thesis that in so far as the reign of Edward II was concerned, appointment in the church in England was, for the court of Rome, not a question of domestic administration only, but a matter of political and constitutional policy as well.

No attempt has been made in detail to connect the appointment of bishops and the administration of patronage with all the various circumstances of Edward's reign. To do so might well obscure the somewhat tenuous thread of ecclesiastical policy. It is assumed that the reader who is interested in so specialized a subject as this will already be well acquainted with the historical setting.

I should like to thank the Editorial Board of the American

Society of Church History for their most kind assistance with this publication. To my friend, Dr H. S. Shurtleff of Queen's University, Canada, I am deeply indebted for his valuable help with the proofs. It is a particular satisfaction to be able to acknowledge here with warm appreciation the encouragement and continued interest of my old friends and former professors.

Selby, Ontario, June, 1937.

PREFACE

The purpose of this study is quite limited; it is to compare the details of a number of appointments to bishoprics and benefices to see what policy they may indicate. The issue is primarily the control of the church's temporal resources. This involves much more than the two particular questions of episcopal appointments and patronage that are discussed in these pages. The following short study, however, does try to investigate these two significant aspects of the relations of the mediaeval church and state. There must be material relative to episcopal appointments other than that used here, but most probably it is widely scattered and would be met in a miscellaneous fashion incidental to other research. Episcopal records themselves contained much less than had been expected.

Patronage could be a much larger study by the inclusion of other reigns. It looks as though there was considerable variation under different kings, and the connection of this with the development of English courts generally, should be worth investigation. Jurisdiction and national autonomy are inseparable, and their development forms an integral part of the growth of national life.

It should be made clear at the outset that it is the disputed cases of patronage with which this essay is occupied. These were few compared with the many normal presentations which passed peaceably. Patronage was so old an institution that general rights were well established. It was where rights were undefined that conflict occurred. New departures occasioned extra definitions of policy, and this is where we watch the negotiations of crown and papacy. Each already had its own province here, and the room for expansion was slight.

The importance attached to the disputes over prebends may seem at first sight to be disproportionate. But more was involved than the taxable value of the benefice. The ultimate question was authority in England. We are not to expect much of Edward II as a political theorist, but he did regard himself as in authority over temporal holdings in the country. There was no deliberate challenge of the spiritual authority of the church, nor of its jurisdiction in such cases as were matrimonial, testamentary, etc. Such suits are not in evidence in the King's

Bench or Common Pleas Rolls. In the matter of benefit of clergy, Gaol Delivery Rolls and Episcopal Registers would indicate that on the whole bishops had little difficulty in getting clerks whom they demanded—*gravamina* of church councils notwithstanding. The spiritual authority of the church was respected, but its temporal resources were coveted as belonging to the state's control. This is the attitude underlying the interpretation of law and the establishment of precedent through this reign. English courts had as great a respect for the rights of Englishmen as for the claims of the king, but they were consistently inhospitable to rights or privileges which represented a law or sanction outside England. These impressions are based on the inevitable reading of court records which this essay has involved, but the cases which appear here are in general accord.

The popes also, both Clement V and John XXII, saw this as a question of authority. John, who was the more significant of the two, never attempted the high claims of Innocent III on the same wide scale. But they were latent in his political philosophy, as his dealings with Louis of Bavaria illustrate. His immediate purpose in England was to control the "machine" of the church. He understood that to be obeyed, he must have more weight than personal holiness or hierarchical prestige afforded; he must control emolument. He saw the feudal institution of patronage much as we see the modern institution of political "patronage." If he could control emolument in the church, he could bid against the king for men's loyalty. Both in episcopal appointments and in provisions we see how he did this. He could not afford to revoke his provisions under pressure, for that would cut at the root of papal "patronage." Similarly, the cardinals' interests must be maintained. All this is not to say that John was a political manager only—he may well have had an ultimate spiritual purpose for which he was preparing. But it must have been rather removed. Under the increasing pressure of nationalist states, the papacy felt impelled to strengthen its own control of the temporalities of the church. Clement had left serious arrears for his successor to overtake, but John understood his task and the times in which he lived. One does not associate sanctity with this vicar of Christ, but he most certainly was politically gifted, and in the Middle Ages it was the popes of this type who served the church most effectively.

THE MANUSCRIPT SOURCES

King's Bench Rolls. These average about two hundred and fifty membranes apiece. After about 1322, cases which concerned the king especially were copied on special membranes which were appended at the back of the roll. These were the *"Rex"* membranes. They are representative but not complete, as for example, the trial of the prior of Lanthony for treason was not among them.

There were four terms for the court: Hilary, Easter, Trinity, and Michaelmas. This was a fixed court, and the Rolls were well written and well kept.

Ancient Correspondence. Letters on a wide range of subjects, collected and attached in volumes. The index gives an inadequate idea of the matter and is little help.

Ancient Petitions. Addressed to the king. Bound in files of fifty.

Ecclesiastical Petitions. Mostly about vacancies in bishoprics and religious houses. In files of fifty.

Assize Rolls. Rolls of circuit courts which dealt largely with cases of violence and treason. They are apt to be badly written and damaged in the hazards of transport.

Episcopal Registers. At Lambeth and Lincoln libraries. Between three and four hundred folios each. Those at Lincoln are in two volumes, *"Memoranda"* and *"Institutions."*

DOCUMENTS IN THE APPENDIX

Except for the extract from Lawrence de Somercote, these are from unpublished sources. In the transcription dotted lines represent spaces in the original, a gap is where I have not been sure of the word, square brackets indicate that there was a gap and I have conjectured.

SPELLING

T before io has been taken usually as c, but not in *"electio."*

T before ia as it was found.

J as such when the initial letter of names.

V usually as such.

Ablative endings as they were found.

Place names and surnames have been given the spelling of the country, where one could be sure, but the preposition *"de"* has been kept. Some have been unaltered, *e. g.,* "Hugh de Camera." Cardinals' titles are left in Latin.

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3 The dean and chapter of York notify the king of their election of William de Melton and ask his assent.
Ecclesiastical Petitions, File 18.

4 Consent of Edward III to the election of Wlfstan to the see of Worcester. September, 1327.
The Register of Reynolds, folio 206 b.

5 The archbishop of Canterbury informs the king that he has confirmed the election of John de Sandale to the see of Winchester, and asks restoration of the temporalities. September, 1316.
Ecclesiastical Petitions, File 17.

6 William de la Zouche, archbishop of York, tells the king that he has examined and confirmed Thomas de Hatfield, elect of Durham. June, 1345.
Ecclesiastical Petitions, File 24.

7 Archbishop Reynolds notifies the prior of Norwich that he has confirmed Robert de Baldok as bishop. August, 1325.
The Register of Reynolds, folio 278.

8 Edward III instructs the abbot of St. Mary's, York, and Henry de Ingelsby to receive the fealty of the elect of Durham, and then to notify the keepers of the temporalities and the escheators of Northumberland and York to make restitution. May, 1345.
Ecclesiastical Petitions, File 24.

9 Papal reservation of the see of Rochester. March, 1317.
The Register of Reynolds, folio 241.

10 Expenses of the monks of Christ Church, Canterbury, in the election of Thomas Cobham.
Lambeth MS. 242, I, folio 291 b.

11 Darrein presentement.
Common Pleas, (*C. P., 40/250,* m. 14.)

12 The king claimed an advowson because of wardship of the young heir of Guy of Warwick. The jury found that the prebendary of Fulbrok, and not the late earl, had the right to present.
The Coram Rege Rolls, Michaelmas, 1325. (*K. B., 27/264,* m. 11.)

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The Coram Rege Rolls, 1309. (*K. B , 27/198,* mm. 9, 53.)

15 Petition of William de Bevercote for arrears of pay due to him for his work as Chancellor of Scotland.
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16 The Leighton Buzzard case. Preamble of royal prohibition against citation of William de Ayreminne outside the realm.
The Register of Reynolds, folio 300.

17 Request of Bishop Henry Berghersh to the king that he remove the lay force that is holding the church of Leighton Buzzard.
Ancient Petitions, 237/11806.

18 Edward II grants to the dean and chapter of Lincoln custody of the temporalities in times of vacancy for £1,000 per annum, reserving to himself knights' fees and advowsons.
The Register of John Dalderby, Memoranda, folio 342.

19 Bishop Henry Berghersh collates Henry de Iddesworth to the prebend of Bedford Minor.
The Register of Berghersh, Institutions, folio 398.

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21 Nicolas de Wedersgrave, custodian of the abbey of Glastonbury at its last vacancy, 1322, was called before a commission in the Exchequer to answer for his administration. The corodies granted at the request of the king and queen.
The Lord Treasurer's Remembrancer, 17 Edward II. (E 368/94.)

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The Register of Reynolds, folio 307.

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Ancient Correspondence, 32/118.

25 Presentation of the jury concerning Orleton's help of the rebels.
Assize Roll 1388, m. 5.

26 A clerk of the king charged with helping Lancaster in his rebellion and preaching against Edward.
The Coram Rege Rolls. (*K. B., 27/254, Rex,* m. 19.)

27 A royal prohibition against holding a plea of trespass in the Court Christian.
The Register of Reynolds, folio 308.

28 A consultation granted.
The Register of Reynolds, folio 308 b.

29 Demand of the bishop of London for the release of a clerk.
Ancient Correspondence, 33, 11.

30 Protest of the bishop of St. Asaph against violation of sanctuary.
Ancient Correspondence, 33, 124.

31 The king orders the archbishop of Canterbury to release a prisoner who has offered satisfaction for his ecclesiastical offence.
The Register of Reynolds, folio 305 b.

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CHAPTER I

EPISCOPAL APPOINTMENTS

In the Middle Ages the appointment of bishops was the concern not merely of the church, but of the state as well. For the former it was desirable that the office be filled by men who should be not only conscientious guardians of the spiritual welfare of their dioceses, but competent equally to maintain church interests against any encroachment by the civil powers. The state's interest lay more in the political power of the bishops. These churchmen held large estates and in point of feudal responsibility and privilege were barons of the realm. Because of their temporal holdings they owed military service or its equivalent in money payments; they were bound to make the various monetary contributions for which feudal tenants were liable; they had the right to be called to personal attendance on the king. The bishop, in England at least, sat in the Great Council of the realm as a lord and an adviser of the king, while in his own manorial court he dispensed the king's justice. Thus, because of the bishop's place in the military, financial, and judicial functions of government, the crown had a direct interest in his appointment.

Less direct, perhaps, but no less real was the concern of the temporal authority in the ecclesiastical privileges of the bishop. He had, of course, the moral prestige of his office, and could wield considerable influence among the people merely by his prominence in the spiritual hierarchy. But from the point of view of the state, his power was more significantly expressed by his place in an independent legal system. The immunities of the clergy, together with the privileges of the church courts, represented a separate jurisdiction within the political community. In a day when authorities, both lay and ecclesiastical, had to cope with a widespread disposition to lawlessness, and needed, therefore, to create confidence in the effectiveness and fairness of their administration of law, there was a tendency for each to stand upon its dignity and to be sensitive to any possible prejudice to its prestige.[1] Even a mutual goodwill did not

1 Cf. Maitland, F. W., *Bracton's Note Book* (London, 1887), I, 130.

remove the need of continual definition of authority, while an aggressive spirit on either side could precipitate positive conflict.

In such a community the bishop was responsible not only to the church, but to the state also, and it is to be expected that the mediaeval prince should take an active interest in his appointment. An episcopacy which should not obtrude ecclesiastical claims would so evidently facilitate secular government that few rulers could resist the temptation to influence appointments to that end, while there was frequently the deliberate effort to secure bishops who would acquiesce in even an extension of temporal jurisdiction. So we find that from early times the European prince claimed a share in the appointment of bishops, and it is no surprise that such claims and their counter-claims should be an important element in mediaeval politics.[2]

In the early Middle Ages the regular canonical process of episcopal appointment was election by the clergy and people of the diocese, followed by the assent of the archbishop and king.[3] This, however, became modified. Actually the rural clergy lost their influence and the cathedral chapter became dominant. On the lay side, feudal lords asserted themselves to the exclusion of the general laity whose participation became the shadowy right merely to acclaim the elect.[4] The protection of church property by lay lords—a responsibility of which the church frequently reminded them—invited the attitude of proprietorship over that property. He who protected the church in its temporal possessions and privileges could also receive these into custody at voidance and give them again. On a theory of secular sovereignty over temporalities, the lay lord could regard himself as also the patron of bishops and abbots. From this point it was only a step to lay investiture with its attendant conflicts, and it was to correct this that the popes of the eleventh and twelfth centuries supported the cathedral chapters in their claim to control elections. As the lay lords gained power the people lost theirs. While cases are still found during these cen-

2 *Decretum Gratiani*, Lib. I, Dist. LXIII. See numerous references to participation in episcopal appointments on the part of various rulers.

3 *Decret. Grat.*, Lib. I, Dist. LXIII, Canons, X, XI, XII, XIII. The people to take part.
Canon XVIII. The assent of the emperor.
Canon XXII. Charles's right to elect the pope.
Canon XXIII. Otto's right to do so.
Dist. LXIV, Can. V, VIII. Consent of the archbishop.
Dist. LXV, Can. II-IV. The same.

4 Cf. Luchaire, A., *L'Histoire des institutions monarchiques de la France* (Paris, 1894), II, 28-9.

turies of appointment at petition of clergy and people, such were becoming exceptional.[5] The lay lords and the cathedral clergy really held the field.

The claims of the lay lords themselves were soon to become insecure. Just as they had pushed aside the rank and file of the people, so ecclesiastical usage was to deprive them of their influence in episcopal elections. The virtual negation of the people's right of assent was accompanied by a greater exclusion of all classes of laity from the electoral assembly of the cathedral chapter, a proceeding which had canonical warrant.[6] Divergent rulings and glosses in canon law suggest that for a time there was no settled policy in this, but the general trend was to the elimination of non-clerical factors until, at length, the only lay participation in episcopal election that remained was the right of the king to issue the licence to elect, and to give or withhold his assent to the choice made. Alexander III, in 1169, agreed that in every election the assent of the prince must be asked, but interference from the laity could not be allowed. The election should be the affair of the clergy of the city and diocese.[7]

Following closely on this, the next development in episcopal appointment was the control by the cathedral chapter itself. The exclusion of the laity brought no guarantee to the diocesan clergy in general that they should have a full share in the appointment. The cathedral chapter, which had already been used against lay power, was by this time overshadowing the other clergy. With their strong corporate consciousness they now pressed for further privileges and claimed nothing less than the right to exclude all others. This happened at Limoges in 1087.[8] In the next century this claim was widely adopted. The Lateran Council of 1139 saw fit to legislate against this and declared that at episcopal vacancies the cathedral canons should not exclude

5 Roland, E., *Les chanoines et l'élection épiscopale du xie-xive siècle* (Aurillac, 1909), 48.
Through the tenth century, the French king had made a practice of appointing bishops. It has been claimed that there was some revival of the popular lay element in the eleventh century. Cf. Dulac, A., "Les élections épiscopales dans l'église latine au moyen âge." *Rev. de l'hist. des religions* (1926), xciv, 87, 96.

6 *Decret. Grat.*, Dist. LXIII, Can. I. Adrian's instructions to the Synod of Constantinople, which were made a statute.
Canon II. "*Nullus laicorum principum vel potentum semet inserat electioni vel promotioni patriarchae metropolitae vel cuiuslibet episcopi.*" Cf. Roland, E., *Les chanoines et l'élection*, 52.

7 Roland, *op. cit.*, 55.

8 *Ibid.*, 57.

the other clergy and that if they did the election should be void.[9] But the movement was not then checked, and by the end of the twelfth century the right of the cathedral canons to elect by themselves seems to have been generally accepted. In 1205, Innocent III reserved to the monks of Christ Church, Canterbury, alone the right to elect the new archbishop, and expressly denied the claim of the suffragans of the province to take part.[10]

The early history of episcopal appointments in England is obscure. Dr Stubbs believed that in the eighth and ninth centuries there was an occasional free election when the national church happened to be stronger than the heptarchic king, but that under West-Saxon kings the appointments were generally made in the Witan.[11] Finding that from the Heptarchy English bishops and abbots had been vassals of the king, William the Conqueror, good churchman though he was, persisted in making investitures, until by degrees the right of appointment passed to the crown.[12] A grievance which, under a ruler favourably disposed, was only theoretical, under one who was unfriendly, became actual, and in the reign of William II there came the clash of temporal and ecclesiastical claims. The investiture controversy continued under Henry I. An effort at its settlement was made in the Concordat of 1107 by which it was agreed that no one in England should receive investiture by ring and staff from any layman, and that no one elected to a see could be consecrated until he had taken vassal's oath to the king.[13] The concordat made no mention of canonical election.[14]

The first two Norman kings had promised at coronation to respect the liberties of the church but, as far as can be learned, definite pledges were absent. The charter of liberties proclaimed by Henry I at his coronation gave the same general assurance, but referred to no specific privileges or rights.[15]

9 Roland, *op. cit.*, 57: Hefele, C. J., *Histoire des conciles* (Paris, 1914), V, 733.

10 Wilkins, D., *Concilia* (London, 1737), I, 512-4.
This question had already been disputed by the monks and bishops at the Council of Windsor, 1184. Hefele, *Histoire*, V, 1128.

11 *Select Charters* (Oxford, 1905), 288.

12 Hefele, *op. cit.*, V, 373.

13 Hefele, *op. cit.*, V, 487.

14 *Select Charters*, 137.
According to Eadmer, Pascal II claimed the right to confirm the election and translation of bishops. That was in 1115. Makower, F., *Constitutional History of the Church of England* (London, 1895), 20, note 25.

15 *Select Charters*, 99.
Wilkins, D., *Concilia*, I, 394. Under the date 1120 there is an entry of ecclesiastical laws under Henry I, containing his charter of liberties of the church. It is general and of wording different from that given by Stubbs.

Stephen's first charter was of similar character, and his second, with its guarantees of particular claims, said nothing of free election of bishops.[16] The security promised in this second charter of Stephen would appear to be an answer to petitions and resolutions of various church councils of the preceding years, but those accounts of such assemblies which are collected in Wilkins's *Concilia* contain no reference to freedom of election.

Election by the clergy was recognized in Article XII of the Constitutions of Clarendon, but under conditions which could scarcely be considered "free." The king there proposed that when a see fell vacant he should summon to the royal chapel the *"potiores personas ecclesiae,"* and that the election should be made there. He, of course, should retain the right to assent.[17] Most likely this proposal claimed no more for royal authority than had been represented by the usual practice under Henry II's predecessors, but it was becoming unacceptable to the church of whose growing independence the claim to clerical election was only one manifestation.[18]

That freedom of election was becoming an important claim of the church in England is attested by the special charter which John issued in 1214. Here it was expressly guaranteed.[19] This king had already incurred papal censure for rejecting the archbishop-elect of Canterbury in 1207.[20] About the same time Innocent III had seen occasion to write to him to interfere in no way with the proper filling of cathedral vacancies.[21] In his charter of 1214, by which he was trying to secure the neutrality of the church in his dispute with the barons, John made the circumstantial promise to allow entire freedom of election, reserving to himself only the right to issue the licence to elect and afterwards to assent. There was no mention of the bishop's oath of fidelity as a necessary condition of restoration of the

16 *Select Charters,* 119-21: Wilkins, D., *Concilia,* I, 412-3.

17 A few years before, Louis VII, in giving permission to the clergy of Bourges to elect, stipulated that on no account were they to choose Pierre de la Chatre. They disregarded his orders and elected him. Although he was consecrated by the pope, the city gates were closed against him by order of the king. Eventually, however, Louis yielded.
Viollet, E., *L'histoire des institutions politiques et administratives de la France* (Paris, 1898), II, 341.

18 *Decret. Grat.,* Lib. I, Dist. LXIII, Can. XXXIV. A declaration from the first book of Capitularies of Charles and Louis, that people and clergy of a diocese should be free to elect the bishop, is given a gloss by Gratian that here the emperor renounced the privilege of Charles the Great and Otto.

19 *Select Charters,* 288-9.

20 Rymer's *Foedera,* I, 97.

21 Wilkins, *Concilia,* I, 527.

temporalities. On May 30, 1215, this agreement was confirmed by Innocent III who referred to the long controversy which had preceded it.[22] John re-affirmed his pledge in the first clause of Magna Carta, but how little it could mean is illustrated by his attempt immediately afterwards to force Walter de Gray on the canons of York.[23]

Despite the theoretical attractiveness of free election by the cathedral chapters, there was a serious inadequacy in the privilege. The large responsibilities of the episcopal office towards national state and international church made the wishes of individual chapters too narrow a basis of appointment. The chapter was a weak institution beside those other two whose interest in the appointment was as great as its own. Actually it was the popes who had secured this privilege for the chapter, and to some extent its jurisdiction could be regarded as a delegated authority. The jealous exclusion by chapters of all other representatives of the diocese did little to sanctify their claim to monopoly, while their frequent electoral disputes tended to their own discredit. Yet even with these defects, capitular control of election had some popular sanction in that it could represent local independence within a church whose non-English elements were becoming increasingly prominent, and at the same time could be an obstacle, on occasion, to an over-aggressive political sovereign.

This would appear to be the real opposition to infringement of capitular privilege. During the thirteenth century such infringement was common—both pope and king putting forward nominees. The provisions of the former were the more unpopular and drew strongly-worded protests, especially from the nationalistic historian Matthew Paris who is the source of many of our impressions of the English church at that time. Yet it would be easy to overestimate this opposition. Complaints against intrusion were common enough through those years, but they usually had reference to posts of less importance than bishoprics. Concerning the latter we have less official protest

22 Rymer's *Foedera*, I, 127-8.

23 Roger of Wendover, *Flores Historiarum*, III, 338-40: Le Neve, *Fasti Ecclesiae Anglicanae*, III, 102.
Later re-issues and confirmations of Magna Carta guaranteed the liberties of the church without particular reference to free election. However, the Statute of Westminster I, 1275, did contain a clause against interference in elections to dignities. (*Statutes of the Realm*, I, 28.)
For a more detailed discussion of the policy of King John, see, Gibbs, M., and Lang, J., *Bishops and Reform, 1215-1272* (London, 1932), 58-62.

than one might expect. According to Matthew Paris, the Easter Parliament at London in 1253, made a point of demanding that the king should respect free election.[24] From the same writer comes an account of the council held in that city in January, 1255, at which John's promises to the church were recapitulated and the same demand made. It is of interest to note that, apart from the bishop of Winchester, the witnesses in the latter instance were all laymen.[25] The *gravamina* of the provincial council of Canterbury which met in London in 1257, had episcopal election as the subject of articles three and four.[26] We have already noticed that the Statute of Westminster of 1275 re-affirmed the principle of free election.[27] But, on the other hand, the councils held at Merton in 1258, and at Lambeth in 1262, appear to have made no petition or pronouncement about it.[28] An examination of those other accounts of church proceedings of the thirteenth century which are contained in Wilkins's *Concilia* reveals little further attention to this question, and while the data found in these volumes are admittedly incomplete, in all likelihood they are sufficiently representative that the proportion has some significance. The clergy often complained about injury to their privileges at law, about monetary exactions, about intrusions into benefices, and the like, but they appear seldom to have made a grievance of interference with episcopal election.

Reference in greater detail to elections and electoral disputes of the thirteenth century does not belong to this essay.[29] Disagreements among electors were common, and in such cases appeals to the apostolic see generally followed. The *Corpus Iuris Canonici* has numerous instructive rulings for such controversies.[30] For present purposes it is sufficient to note that largely as a result of such disagreements, the popes assumed

24 *Chronica Maiora,* III, 136.

25 Wilkins, *Concilia,* I, 711.

26 *Ibid.,* 726. Here the authority is the continuator of Matthew Paris.

27 *Supra,* p. 6, note 23.

28 *Concilia,* I, 736-40, 746-55.

29 The period 1215-1272 has been carefully studied in *Bishops and Reform, 1215-1272,* by Gibbs and Lang.

30 *Greg. IX,* Lib. I, Tit. VI, "*De Electione.*"
Sext., Lib. I, Tit. V, VI.
Lib. II, Tit. XV.
The development of papal usage has been described in an instructive article by Geoffrey Barraclough, "The Making of a Bishop in the Middle Ages." *The Catholic Historical Review,* (1933-34.)

the power of appointment, and papal intervention in episcopal appointments in England became quite familiar.[31]

A further word is desirable concerning procedure in episcopal appointment in the late thirteenth and early fourteenth centuries. Since there were always interests which might wish to invalidate an election, it was important that all proceedings should be scrupulously correct. A useful treatise on the necessary procedure comes to us from Lawrence of Somercote, a canon of Chichester. This church had had an election quashed by the pope in 1245, and to ensure that the next be beyond reproach, Somercote prepared a handbook of instructions for those concerned in the various negotiations.[32]

First of all, the representatives of the cathedral clergy should ask the king for licence to elect—the *congé d'élire*.[33] Their request should state that the bishop was dead and a successor was needed. The form of request given in this treatise is practically the same as that in use in the early fourteenth century.[34] The royal licence obtained, the canons who were entitled to vote should be summoned by letter according to a form given, and anyone unable to attend must write to the dean—also by specified form—appointing his deputy.[35] Then follows a standard order of service as a prelude to the election itself. The methods of election are then given, *i. e.,* inspiration, compromise, scrutiny, and postulation.[36] In each case the procedure is detailed.

By whatever process, canon law required that the appointment should represent the *maior et sanior* part of the electors. If, however, the choice of the majority was unfit, while that of the minority was satisfactory, the suitable candidate was to

31 Stubbs, W., *Constitutional History of England,* III, 307. Cf. *Calendar of Papal Letters,* I, 32, 57, 117, 150, 179, 192, *et passim.*

32 Wretchkow, A., von, *Der Traktat des Laurentius de Somercote über die Vornahme von Bischofswahlen* (Weimar, 1907).

33 I find nothing in the *Corpus Iuris* requiring electors to get the licence from the prince.

34 *Der Traktat,* 28. Cf. Petition of the monks of Christ Church, Canterbury, for licence to elect a successor to Robert Winchelsea, late archbishop. *Ecclesiastical Petitions,* File 17.
Cf. Appendix, 118, for this and for the form specified by Somercote.
The licence must be obtained. Irish churches were several times remiss here. For failing to get it, the bishop and clergy of Annaghdown were heavily fined by Edward I in his last years, and his son made them pay for the privilege of going on with the election.
(*Calendar of Fine Rolls,* 1307-19, 27: Foedera, II, 52.)

35 *Der Traktat,* 30.

36 *Der Traktat,* 32. Cf. also *Corpus Iuris, Greg. IX,* Lib. I, Tit. VI, Cap. xlii A ruling of Innocent III.

be confirmed.[37] Elections made in contempt of the smaller party were void, even though the minority be one, but in such a case the right to elect did not devolve upon the aggrieved minority.[38] The elect of the majority was not to be confirmed unless his supporters were also the *sanior pars* of the chapter.[39] Electors who knowingly chose an unworthy person lost the right to elect for that turn,[40] and were suspended for three years from collating to ecclesiastical benefices.[41] The electors must choose within three months.[42] The elect must consent within a month,[43] and if an appellant against his appointment did not seek the apostolic see within thirty days, the appeal was renounced.[44]

When the chapter had elected they reported their decision to the king and asked his consent.[45] He proceeded to notify the archbishop that he had given this and the elect was then examined by his metropolitan.[46] If the candidate was found satisfactory the archbishop so informed the king, and asked that the temporalities of the see be given to him.[47] The bishop swore fidelity and then received these.[48]

In the nomination and appointment of English bishops, the period 1307-27 sees in a developed form the respective claims of crown and papacy each to advance its own servants. Both the desire to reward faithful service and the wish to keep a hand on important ecclesiastical posts were operative. The king, perhaps, found it easier to preserve a show of accustomed canonical procedure, and was able to secure the election of his nominees with less obvious suppression of chapter rights. The pope, on the other hand, in advancing his own protégés, usually claimed a reservation by his own authority in anticipation of the election, if not of the actual voidance. In this Edward saw a threat to his own interests and several times posed as a cham-

37 *Corpus Iuris, Greg. IX,* Lib. I, Tit. VI, Cap. xxii.
38 *Ibid.,* Cap. xxxvi.
39 *Ibid.,* Cap. lvii.
40 *Ibid.,* Cap. xxv.
41 *Ibid.,* Cap. vii.
42 *Ibid.,* Cap. xli.
43 *Ibid., Sext.,* Lib. I, Tit. VI, Cap. vi.
44 *Ibid., Sext.,* Lib. II, Tit. XV, Cap vi.
45 *Eccles. Pet.,* File 18. The Dean and Chapter of York ask Edward II to assent to their choice of William de Melton. Cf. Apx., 118.
46 *Corpus Iuris, Greg. IX,* Lib. I, Tit. VI, Cap. iii.
47 *Eccles. Pet.,* Files 18 and 24. Archbishops Reynolds and La Zouche respectively notify the king of their confirmation of the bishops-elect of Winchester and Durham, and ask restitution of the temporalities. There are some differences in their presentations. Cf. Apx., 119.
48 *Eccles Pet.,* File 24. Cf. Apx., 119.

pion of chapter rights. Such a claim was discounted, however, by his own frequent attempts to influence episcopal elections, and his protestations on behalf of the integrity of the English church meant little. Manipulated by the crown and superseded by the papacy, capitular election, which had been fairly common at the beginning of the reign when Clement V was pope, became steadily less important. Under the centralizing policy of John XXII, it virtually disappeared and the appointment of bishops became mainly a matter of bargain between the king and the pope.[49]

49 Cf. Ollard and Crosse, *Dictionary of English Church History* (London, 1912), particularly the Preface.

CHAPTER II

APPOINTMENTS TO ENGLISH SEES, 1307-27

The first vacancy to occur in the reign of Edward II was at Worcester, in the autumn of 1307. It is of special importance as illustrating possible cross-currents in episcopal appointment, and the respective claims which king and pope were to advance.

Shortly after the death of Bishop Gainsborough, the pope reserved this appointment.[1] The prior, on his part, sent the usual two representatives of the cathedral clergy to ask for the royal *congé d'élire*.[2] This they received on October 17.[3] The king at the same time sent Hugh Despenser to put forward Walter Reynolds, a clerk of Edward's, as the royal candidate.[4] By this time, however, report of the papal reservation reached England, and the actual bull arrived soon afterwards.[5] Edward, therefore, hastened to instruct the convent to elect without delay.[6]

There then follows in the register *sede vacante* the king's statement of his position. In regard to elections he claimed that from the beginning of Christianity in England they had always been free, that king John in his time had granted this, and that Innocent III had confirmed it. At the same time, a *congé d'élire* must be sought of the king, and the elect presented afterwards for royal approval. If the king considered the candidate to be an enemy, or foreigner, or otherwise unsatisfactory, he could quash the election. The appointment of bishops touched the crown's right of patronage and for that reason the apostolic see could neither reserve nor bestow bishoprics. If the pope

1 *Calendar of Papal Letters*, II, 31. This is dated 3 Nones October, and the marginal year is 1306. There is nothing about this in the *Corrigenda*.
2 Worcester, *Registers "Sede Vacante,"* 103.
3 *Ibid.*, 104: *Calendar of Patent Rolls*, 1307-13, 8.
4 Worcester, *Registers "Sede Vacante,"* 104. As early as 1295 he had enjoyed the king's patronage. (*Calendar of Patent Rolls*, 1292-1301, 130.) He had been keeper of the prince's wardrobe, and treasurer of his household before Edward became king. (*Calendar of Patent Rolls*, 1301-07, 394: *Calendar of Close Rolls*, 1302-07, 392.) He was treasurer soon after the coronation. (*Calendar of Patent Rolls* 1307-13, 7: *Annales Paulini*, 257.)
5 Worcester, *Registers "Sede Vacante,"* 104.
6 *Ibid.*, 104: *Calendar of Close Rolls*, 1307-13, 4.

succeeded here there would never be a free election in England.[7]

The election proceeded on November 13, and the prior, who was commissioned to make the choice, decided for Reynolds.[8] The latter was cautious, and only after some delay did he consent.[9] He observed that no notice of a papal reservation had come by trustworthy channels either to the convent or himself, and in the circumstances he considered that he was free to accept. In this appointment the suspension of Archbishop Winchelsea was an embarrassment to king and chapter, since it interfered with the normal process of examination and confirmation. On November 21, Edward wrote to the pope that the chapter had chosen Reynolds, and asked him to name someone to act in the place of the archbishop. Letters on the same matter were sent to various cardinals.[10] In his reply, dated February 12, Clement declared that he had reserved the see, but since the elect had refused consent, expecting to be certified of the reservation, and as he seemed a fit person and had been so recommended by the king, he appointed him bishop.[11] The royal grant to the elect of the issues and profits of the see from the date of voidance, made January 20, before the pope replied, suggests that Edward was confident of his appointment.[12] On April 5 came the mandate to deliver the temporalities of the see

7 *Registers "Sede Vacante,"* 104-7.
In January, 1308, Edward wrote to Cardinal Arnald of St. Mary's complaining that the pope was considering a provision contrary to his wishes. (*Foedera*, II, 28) To the pope himself he expressed surprise at such disregard of free election, and warned him that there could be no confirmation without royal assent. A provision would be to prejudice of the crown.

8 *Registers "Sede Vacante,"* 107-8.

9 *Ibid.*, 108-10. It looks as though Reynolds was delaying until the time limit of a month should pass. (Cf. *Corpus Iuris, Sext.*, Lib. I, Tit. VI, Cap. vi.) The election was on Monday, November 13. On Thursday, the sub-prior, as proctor, set out for London to get the assent of the elect. Reynolds was away and did not see him till the Wednesday following. On Friday he was still undecided and the proctor went home. Receiving no word in the next fifteen days he came to London again—a four days' journey—and this time got Reynolds's consent.

10 *Foedera*, II, 15.

11 *Registers "Sede Vacante,"* 111: *Calendar of Papal Letters*, II, 34.
The entry in the *Calendar of Papal Letters* declares definitely that the pope annulled the election. In the register *sede vacante* this claim is softened, and appears only by implication. The statement that Reynolds had refused the election is at variance with that in the register purporting to give his very words of consent. It looks as though either Reynolds or the papal Chancery were making a case. (Cf. *Registers "Sede Vacante,"* Part II, Introd., xi.)
Annales Paulini, 257.
Walterus Reginaldi qui in curia regis nutritus fuerat factus est a rege thesaurarius Angliae, et post dies paucos vacante sede Wigorniensi, ad instantiam regis papa eidem Waltero eundem contulit præsultatum.

12 *Calendar of Patent Rolls*, 1307-13, 44. Too much should not be made of this, however, since such assignments by virtue of custody of temporalities *sede vacante* were frequent.

to Reynolds, preferred by the pope.[13] Despite Edward's denial of the pope's right to provide, it is evident that in this instance he accepted it as the basis of appointment.

The election at Exeter, November 13, 1307, illustrates the obstruction that might be caused by clergy within the diocese. Walter de Stapeldon was elected by scrutiny.[14] He appears to have been acceptable to the king, who, on December 3, notified the administrators of the see of Canterbury of his assent.[15] Such notice was the king's authorization to proceed with examination and confirmation.[16]

Unfortunately for Stapeldon, however, opposition to his appointment developed, led by a certain Richard de Plumstoke, who was at the Roman court.[17] Edward took prompt measures to support the elect, and the day after he had given his consent ordered a meeting of the council to "implement his promise to protect Walter de Stapeldon and to advise all reasonable ways to exploit the business and bridle the malice of his enemies."[18] Two days later he sent letters to the pope and to the cardinals of St. Sabina and St. Mary Nova, asking them to favour the elect in the litigation which his enemies were instituting.[19] Stapeldon and his companions left for the papal court probably the same month,[20] but while they were still on their way the appeal was withdrawn.[21] Despite this withdrawal, the newly restored Archbishop Winchelsea was commissioned to investigate, and he appointed deputies to see to it.[22] Their findings were apparently satisfactory, for the confirmation duly took place, March 13, 1308, and within the next few days the temporalities were restored.[23]

The third episcopal vacancy to be filled in this reign was that at Bath and Wells. Here a king's man was nominated and appointed without trouble. On December 11, 1308, Bishop Has-

13 *Ibid.*, 63.
14 *Register of Stapeldon*, 18.
Of his earlier career we know little beyond the fact that he was a professor of canon law and a chaplain of Clement V. (*Reg. Stap.*, Introd., ix.)
15 *Calendar of Patent Rolls*, 1307-13, 20.
16 Cf. *Register of Reynolds*, f. 206 b. Cf. Apx., 119.
17 *Register of Stapeldon*, 18.
18 *Calendar of Chancery Warrants*, 268.
19 *Foedera*, II, 19: *Concilia*, II, 290.
20 *Calendar of Patent Rolls*, 1307-13, 28.
21 *Register of Stapeldon*, 18.
22 *Ibid.*, 18.
23 *Ibid.*, 19: *Calendar of Patent Rolls*, 1307-13, 52.

elschaw died,[24] and on the nineteenth the prior and chapter of Bath formally notified the king of the vacancy and asked licence to elect.[25] This was granted, December 25,[26] and on February 7 they submitted their choice, John de Drokensford, for the royal assent.[27] The elect was an old servant of the crown, and this consent was soon forthcoming, notification being sent to the archbishop.[28] Winchelsea examined Drokensford in due course, and having satisfied himself that he was adequately dispensed for pluralism, confirmed him in May following.[29] The oath of fealty taken, the temporalities were given.[30]

Whether or not Edward actively supported John de Drokensford's candidature, there can be little doubt of his acceptability to him. In a letter to the pope in his favour the king referred to his long and faithful service to Edward I and himself, and the heavy expenses which he had thus incurred.[31] The new bishop had been a clerk in the king's service as early as 1292,[32] and was keeper of the wardrobe in 1297.[33] His tenure of this office may help account for his financial difficulties which seem to have been a matter of negotiation at the papal court.[34] In 1308 Drokensford had succeeded John de Sandale as Chancellor of the Exchequer.[35] He was a mighty pluralist and on March 1, 1308, held five churches, canonries and prebends in twelve dioceses, and various other benefices. On that date he was allowed dispensation, at the request of the king, to continue to hold all these benefices except two, with a licence also to be non-resident for two years, during which time he need not be ordained priest.[36] It is small wonder that Archbishop Winchelsea wanted to examine the authority for his pluralism.

The appointment to Bangor seems to have been accompanied by some dispute, but how much it is difficult to say. On May 1, 1309, the dean and chapter sought the *congé d'élire,* and, on June 18, notified the king of their choice of the archdeacon

24 *Continuation of Trivet,* 7.
25 *Eccles. Pet.,* File 16.
26 *Calendar of Patent Rolls,* 1307-13, 97.
27 *Eccles. Pet.,* File 16: *Contin. Trivet.,* 7.
28 *Calendar of Patent Rolls,* 1307-13, 100.
29 *Register of Winchelsea,* f. 27. He resigned three benefices.
30 *Calendar of Patent Rolls,* 1307-13, 114.
31 *Foedera,* II, 84.
32 *Calendar of Patent Rolls,* 1292-1301, 2.
33 *Calendar of Close Rolls,* 1296-1302, 32.
34 *Foedera,* II, 84.
35 *Calendar of Patent Rolls,* 1307-13, 72: *Parliamentary Writs,* II, Pt. I, 18.
36 *Calendar of Papal Letters,* II, 39.

of Bangor, Anian Sees.[37] Evidently one Hugh de Lyminstre, a king's clerk, challenged the election, and Edward ordered a meeting of a committee of the Council to see about it.[38] In August the king notified the archbishop of his assent to Sees's election,[39] and next month Winchelsea reported that he had examined and accepted him.[40] The temporalities were restored shortly afterwards.[41]

The see of Ely becoming vacant in the winter of 1309-10, the prior and monks sought and obtained the usual licence.[42] According to the *Historia Eliensis,* the king and court wrote to the monks on behalf of the Lombard, Boniface de Saluzzo.[43] After some disagreement the monks made the election by compromise,[44] and chose one of their own number, John de Keten.[45] The writer of the *Historia* tells of a notary lurking about to see if there were any flaw by which the election might be challenged and eventually overthrown, but with evident satisfaction he reports that the notary was confuted.[46] Whatever plans the king may have had, he assented to the monks' choice, and so notified the archbishop.[47]

As in preceding cases, the archiepiscopal register gives a detailed account of the examination and relevant procedure. Winchelsea had given an opportunity for anyone wishing to challenge the election to come before him to do so. It appears that an appeal had been lodged at the Roman court, but had been withdrawn *minime canonice.* The primate would seem to have examined this election with his usual care before confirming.[48] The notification to the king is dated July 10, 1310,[49] and

37 *Eccles. Pet.,* File 16.
38 *Calendar of Chancery Warrants,* 292.
39 *Calendar of Patent Rolls,* 1307-13, 181.
40 *Register of Winchelsea,* ff. 26 b, 27.
41 *Calendar of Patent Rolls,* 1307-13, 188.
42 *Eccles. Pet.,* File 16: *Calendar of Patent Rolls,* 1307-13, 208.
43 Wharton, H., *Anglia Sacra,* I, 641.
This man was a king's clerk. In 1297, although only in his twentieth year and not ordained, he was a papal chaplain and a pluralist. (*Calendar of Papal Letters,* I, 568.) He was archdeacon of Bucks a few years later, and had indult to visit by deputy for three years. (*Ibid.,* 613.)
He was prominent enough to receive the king's summons to the Council in the winter of 1309-10. (*Calendar of Close Rolls,* 1307-13, 137.)
44 Wharton, *op. cit.,* I, 641.
45 *Eccles, Pet.,* File 16: Wharton, *op. cit.,* I, 642.
46 Wharton, *op. cit.,* I, 642.
47 *Calendar of Patent Rolls,* 1307-13, 215.
48 *Register of Winchelsea,* f. 27 b.
49 *Ibid.*

on the eighteenth the royal order to restore the temporalities was given.[50]

The election at Durham in the year following was one of the few to pass without friction. The importance of this bishopric on the Scottish border made the appointment of special concern to the king, who might have been expected to intervene to secure a satisfactory successor to the competent Anthony Bek. Early in March two monks brought word of the voidance and obtained the royal licence.[51] One of these messengers was Richard de Kellawe who shortly afterwards was elected by compromise.[52] There may have been some connection between his visit to London and his subsequent election; at any rate Edward considered him suitable and gave his assent.[53] Kellawe was duly examined and confirmed by Archbishop Greenfield of York,[54] and in May the king ordered restitution of the temporalities of the see.[55]

The northern chronicler, Walter de Hemingburgh, found this a harmonious proceeding throughout, and noted Kellawe's successful visitation of the chapter and archdeaconry as something unusual.[56] Robert de Graystanes, who was one of the chapter, has mentioned no difficulty in this election, and seems to have been content with the result.[57]

The appointment of Gilbert de Segrave to London, in the summer of 1313, was made without interference, and the London chroniclers of the period merely note it with little comment.[58] Perhaps the succession to Canterbury, vacant at the time, diverted the king's attention from St. Paul's. The canons proceeded on the customary licence, and informed Edward of their choice of their precentor, Gilbert de Segrave.[59] This was on August 19. Three days later, notification of the royal assent

50 *Calendar of Patent Rolls*, 1307-13, 268.
51 *Calendar of Patent Rolls*, 1307-13, 334.
52 Wharton, *op. cit.*, I, 755.
53 *Calendar of Patent Rolls*, 1307-13, 333.
54 *Registrum Palatinum Dunelmense*, I, 1-2.
55 *Calendar of Patent Rolls*, 1307-13, 349.
56 *Chronicon*, II, 285-6. "... quae a multis retroactis temporibus fuerat contradicta."
57 *Historia Dunelmensis*, Wharton, I, 755.
He refers to Kellawe as "... vir utique sufficienter literatus, moribus et vita dignus, cuius eloquentia, species, et statura digna erant imperio."
58 *Annales Londonienses*, 230.
Annales Paulini, 274, "... vir nobilis genere et moribus ..."
Robert of Reading, *Flores Historiarum*, III, 156, "... vir ingenuitate praeclarus et pseudo-archiepiscopo quam plurimum odiosus ..."
59 *Eccles. Pet.*, File 17.

was given to the keeper of the spiritualities of Canterbury.[60] The temporalities were given back on September 28.[61]

The disagreements over episcopal appointments which we have met so far have been due to complaints from aggrieved clerks, resistance by cathedral clergy to the king, or by king and clergy to the pope. The first appointment of the reign to assume the character of a clash between the English church on the one side and king and pope on the other, was that at Canterbury, 1313.

After the death of Archbishop Winchelsea in May, the monks petitioned for the licence[62] and proceeded to elect Thomas de Cobham.[63] He was a professor of theology,[64] and a jurist who had served the king on various legal commissions.[65] He had also been entrusted with missions overseas.[66] The monks were entitled to expect royal approval of their choice, while his fitness for ecclesiastical responsibilities—if one may judge by the comments of contemporary historians—should have precluded interference from the pope. At the time Cobham was in Paris on a political errand, and there agreed to his election.[67]

Unfortunately for Cobham, the pope had reserved the see by bull dated April 27, 1313,[68] a fact of which the monks of Christ Church Priory either were unaware, or which they disregarded.[69] Their messengers to the Roman court were recalled,[70] and the elect notified that they had given up their claim.[71] By bull of October 1, Clement translated to the vacant archbishopric Walter Reynolds, bishop of Worcester and Chancellor of the kingdom.[72]

60 *Calendar of Patent Rolls,* 1313-17, 12.
61 *Ibid.,* 17.
62 *Eccles. Pet.,* File 17: *Calendar of Patent Rolls,* 1307-13, 587.
63 *Calendar of Papal Letters,* II, 115.
64 *Contin. Trivet,* 10: *Flor. Hist.,* III, 155: *Ann. Paul.,* 273.
65 *Calendar of Patent Rolls,* 1307-13, 130, 241, Of Forestallers. 338, Claims of citizens of Aquitaine. 437, Revision of the Ordinances. 543, A London dispute.
66 *Calendar of Patent Rolls,* 1307-13, 302, 455.
67 *Lambeth MS.* 242, f. 291 b.: Wharton, *op. cit.* I, 533: Murimuth, *Continuatio Chronicarum,* 19: Wilkins, *Concilia,* II, 430: The *Chronicon de Melsa,* II, 329, says he set off for the Roman court at once.
68 Wilkins, *Concilia,* II, 424-5.
69 *Lambeth MS.* 242, I, f. 291 b. Cf. Apx., 122.
70 *Ibid.*
71 Wilkins, *Concilia,* II, 427.
72 *Calendar of Papal Letters,* II, 115: Wilkins, *Concilia,* II, 430: *Foedera,* II, 228-9: *Register of Reynolds,* f. 1 a.
The bull expressly stated that Cobham was not unfit. (*Foedera.*)
The writer of the *Continuatio Historiae de Episcopis Wigorniensibus* declares

As we have seen, Reynolds had been in the service of Edward for a number of years.[73] Direct evidence that the king was instrumental in this provision is found in a later letter to the pope in 1317 where Edward explained that he had been displeased with Cobham because he had opposed Clement's appointment of Reynolds at the royal request.[74] Certainly the pope allowed the new archbishop several special privileges. He excused him from coming for the pall,[75] and allowed him to delay his personal visit *ad limina* for five years after receiving it.[76] He was given indult to visit his diocese by deputy for three years and to receive procurations.[77] No doubt it was equally to Reynolds's advantage to receive at the same time licence to contract a loan of 15,000 gold florins.[78] In spite of these favours, however, the new archbishop fell behind in his payments of the *servitia* and had to be reprimanded.[79]

The supersession of the respected Cobham by Reynolds drew severe condemnation from some of the chroniclers. As far as one can judge from these writers, there was wide agreement on Cobham's fitness. Most of those who discuss this appointment give his academic status and add some further favourable comment.[80] On the other hand, Murimuth and the Bridlington writer, both of whom take an interest in episcopal

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that Cobham refused the see of Worcester which was offered to him in compensation, and fought stoutly for his claim to Canterbury. He writes that in the papal court he was opposed by the representatives of Reynolds who were well supplied with funds. "Walterus . . . curiam Romanam apud quam omnia erant venalia facile in partes suas traxit." (Wharton, *op. cit.*, I, 533.)

73 *Supra*, 11.

74 *Ancient Correspondence*, 32/121: *Foedera*, II, 312.

75 *Register of Reynolds*, f. 1.

76 *Ibid.*, f. 238: *Calendar of Papal Letters*, II, 120. In 1317 he was allowed a further extension of seven years at Edward's request. (*Calendar of Papal Letters*, II, 139.)

77 *Calendar of Papal Letters*, II, 120.

78 *Ibid.*, 121.

79 *Register of Reynolds*, f. 114.

80 *Contin. Trivet*, 10.
Trokelowe, *Annales*, 81. This writer admits that no fault could be found in Cobham.
Flores Hist., III, 155, ". . . virum sanguinis nobilitate praeclarum, sacrae theologiae juris canonici atque civilis, necnon et dialecticae, professorem egregium."
"The Monk of Malmesbury," *Vita Edwardi Secundi*, 197. "Nam electus ipse flos Cantiae, nobilis generis, rexerat in artibus, in decretis, et magister erat theologus, sedi Cantuariensis ecclesiae satis ydoneus."
Annales Paul., 273-4, ". . . vir magnae bonitatis et liberalitatis, qui in tribus facultatibus nobilissime et imcomparabiliter inceperat, et rexerat in tribus universitatibus . . ."
Chronicon de Melsa, II, 329. ". . . electus fuit magister Thomas de Cobham, natalibus clarus, in decretis et sacrae theologiae doctor approbatus . . ."
Walsingham, *Historia Anglicana*, I, 136, follows Trokelowe.

appointments, say nothing of his qualifications.[81] At the same time, these two do show disapproval of the nullification of his election and the later intrusion of Reynolds. The new archbishop lacked so many of the desirable qualifications of both his predecessor and his rival, that even to men accustomed to royal nomination to vacant dioceses, this appointment appeared inexcusable. Reynolds's character was attacked and bribery charged.[82] Trokelowe, and following him, Walsingham, have placed a different construction on the appointment. These would represent the pope as having considered only the good of the church, and no mention is made of royal intervention or money.[83] Other narratives barely mention the reservation and indicate no personal views.[84]

81 *Contin. Chron.*, 19; *Gesta Edwardi de Carnarvon*, 45.

82 *Flores Hist.*, III, 155-6. Robert of Reading disliked Reynolds. He alleged that he was so ignorant of letters that he could scarcely decline his own name. He referred to him as "ipse vir Belial." According to his account he had coveted the metropolitan see, and obtained it by a bribe to the "insaturabili Papae." The nullification of the election was ". . . in Christi contemptum et ecclesiae Cantuariensis praejudicium manifestum." Reynolds is referred to as pseudo-archbishop.

The Bridlington chronicler, *Gesta Edwardi de Carnarvon*, 45, says it was at the instance of the king that the pope rejected Cobham. ". . . intervenientibus mille marcis."

Chron. de Melsa, II, 329, ". . . cujus electionem papa cassavit; non tamen vitio personae vel electionis, sed precibus regis, mediantibus XXXII mille marcis, ut dicebatur, inclinatus."

Murimuth, *Continuatio Chronicarum*, 19, ". . . rex rogavit papam Clementem pro domino Waltero Reginaldi, episcopo Wigorniensi, ut ipsum transferret ad ecclesiam Cantuariensem; . . ." It is probable that Murimuth knew something about it since he was often at the Roman court, and was a witness to the bull by which Clement excused Reynolds from coming for the pall. (*Register of Reynolds*, f. 1.)

"The Monk of Malmesbury," *Vita Edwardi Secundi*, 196-99, makes this transaction the occasion for a long lament over the venality of the papal court. ". . . domina pecunia omne negotium consummat in curia." He decries the heavy legal costs and frequent indulgences which impoverished the church. "Domine Jesu, vel papam tolle de medio vel potestatem minue quam praesumit in populo, quia privilegium meretur amittere qui concessa sibi abutitur potestate."

83 Trokelowe, *Chronica et Annales*, 82. "Et quia Ecclesia Anglicana continuis tribulationibus vexabatur, idem Summus Pontifex de viro per quem dictae tribulationes melius sedari possent, Ecclesiae viduatae providere sollicite cogitabat." The pope finally turned to Walter, bishop of Worcester, . . ". . . acute praeponderans quantam gratiam coram Domino Regi prae ceteris inveniebat, quam mature in suo officio erga omnes se habebat, quantaque discretione rancorem, inter Regem et suos proceres motum, temperabat."

This language is reminiscent of some papal bulls of provision.

Historia Anglicana, I, 136. Similarly.

84 *Contin. Triv.*, 10-11. "Sed interim, quo ignorabatur praefagio, dominus Walterus Renald . . . Cantuariensem Archiepiscopatum per summum pontificem subito adeptus est."

It seems unlikely, however, that one so well informed on church affairs as Trivet, who likely wrote this narrative, would be ignorant of the circumstances of this appointment. He adds that the enthronement took place on February 18, and tells who were present.

Annales Paul., 275. The writer, commenting on the enthronement of Reynolds, explains that Cobham's election was quashed by the pope, who appointed Rey-

It was the custom of the pope, by this time, to dispose of the benefices vacated by men whom he had promoted to bishoprics.[85] On the same day that Clement made the appointment to Canterbury, he provided Walter de Maydenstan to the see of Worcester.[86] This clerk had been a member of a mission which Edward had sent to the pope a few weeks earlier.[87] He had been a clerk in the royal service for some years,[88] and was a dispensed pluralist.[89] He was already known at the papal court,[90] and was evidently capable of securing considerable favours.[91] His earlier visit, apparently, gave rise to adverse comment, and a papal bull dated May 21, 1313, assured all Englishmen that he came in the interest of the peace of the realm, and not, as alleged, to stir up strife.[92]

The king had taken the temporalities of Worcester into his hands shortly after the translation of Reynolds,[93] and restored them to the new bishop in February following.[94] When issuing the order of restoration he observed that there were words in the papal letters prejudicial to the crown which would warrant his withholding these temporalities, but as Maydenstan had renounced all such words, he had accepted fealty. Among the favours which Bishop Maydenstan received from the pope the month following his appointment, were the privilege of visit-

nolds "ad rogatum domini regis."
Higden, *Polychronicon*, VIII, 304. "Obiit Robertus de Winchelsee archiepiscopus; electus (est) magister Thomas de Cobham, probus clericus. Quo tamen ad instantiam regis cassato et ad Wygorniam translato, successit Walterus Raynald, . ."
Henry Knighton, *Chronicon*, I, 409, follows Higden.
Annales Lond., 229. The succession of Reynolds is barely mentioned, and nothing is said about Cobham's election.

85 The *Calendar of Papal Letters* has numerous references to such.

86 *Calendar of Papal Letters*, II, 115. There is no allusion in the *Registers Sede Vacante* to application for *congé d'élire*, or election of a successor to Reynolds.

87 *Foedera*, II, 227.

88 *Calendar of Patent Rolls*, 1301-07, 67.

89 *Calendar of Papal Letters*, II, 80.

90 *Foedera*, II, 175.

91 *Calendar of Papal Letters*, II, 115.
Murimuth had a great dislike for Maydenstan, ". . . viro utique diffamato in Anglia de inhonesta conversatione et vita, et papa ex inhonesta familiaritate secreto . . ." (*Contin. Chron.*, 19.)
The writer of the *Continuatio Historiae* in *Anglia Sacra*, follows Murimuth. (I, 532.)
Some time after this Murimuth was a proctor for Archbishop Reynolds at the papal court. (*Register of Reynolds*, f. 84.)
Robert of Reading wrote of Maydenstan. ". . . cuius vita maculosa reddidit hominem infamia saeculo respersum et a bonorum consortio moribus alienum."
It will be noticed that this writer is fond of adding colour.

92 *Calendar of Papal Letters*, II, 113.

93 *Calendar of Fine Rolls*, 1307-19, 182.

94 *Calendar of Patent Rolls*, 1313-17, 84.

ing his diocese by deputy for three years, and permission to contract a loan of 3,000 florins.[95]

The election to St. Asaph was apparently uneventful but there was a curious delay. The request for the *congé d'élire* was dated the morrow of the Conversion of St. Paul, *i. e.,* January 26, and the notification to the king that the chapter had elected David ap Blethin, a canon of their church, bears the date "Feast of St. Bartholomew," *i. e.,* August 24.[96] Probably the Bannockburn campaign was responsible for the delay. Early in September Edward informed Reynolds of his assent,[97] and on November 1 the temporalities were returned.[98]

The death of Simon of Ghent in the spring of 1315 created a vacancy at Salisbury. The dean and chapter sought the licence to elect on April 4,[99] and on June 11 the royal assent was given to their choice of Roger de Mortivale.[100] As far as one can learn, the elect had not been a royal servant. He seems to have been prominent as a churchman, having been archdeacon of Leicester as early as 1299,[101] and at this time was dean of Lincoln and a canon of Salisbury.[102] In July, Archbishop Reynolds certified the king that he had given the spiritualities of the see,[103] and without delay the temporalities were given back to him.[104]

When Ely needed a new bishop in the summer of 1316, the monks chose the influential servant of the king, John de Hothum, *quasi per inspirationem Spiritus Sancti.*[105] Since it is fairly probable that the preceding vacancy had been filled in disregard of Edward's wishes, the likelihood is that this time the cathedral clergy were willing enough to re-establish them-

95 *Calendar of Papal Letters,* II, 119.
An entry dated seven days after this instructs the prior of St. Paul's, Florence, and two others, to receive from Walter, bishop of Worcester, the sum of 3,000 florins borrowed by him from Banchinus de Loterii, a merchant of Florence. (*Ibid.,* 119.)

96 *Eccles. Pet.,* File 18. No record appears of the elect having been a servant of the crown.

97 *Calendar of Patent Rolls,* 1313-17, 170.

98 *Ibid.,* 190.

99 *Eccles. Pet.,* File 18.

100 *Calendar of Patent Rolls,* 1313-17, 299: *Calendar of Chancery Warrants,* 416.

101 *Calendar of Patent Rolls,* 1313-17, 269.

102 *Ibid.,* 299: *Annales Paul.,* 278: *Gesta Edwardi de Carnarvon,* 48: *Annales Lond.,* 233.

103 *Eccles. Pet.,* File 18.

104 *Calendar of Patent Rolls,* 1313-17, 336.
Robert of Reading approved of the new bishop. *Flores Historiarum,* III, 169, "... vir ingenuitate praeclarus multisque virtutibus decoratus atque pontificali honore per omnia dignus."

105 Wharton, *op. cit.,* I, 643.

selves in royal favour by electing a king's man. The Bridlington chronicler considers this choice to have been at the instance of the king.[106]

John de Hothum had long service to his credit and stood high in Edward's favour. In 1311 the king had written to the pope referring to this and soliciting a "dispensation" for him.[107] The exact nature of this dispensation is not made clear in the letter, but it may well have been for his numerous benefices in England and Ireland.[108] Certainly in December, 1311, he received papal dispensation, at the request of the king, to hold a considerable number, even more than he was allowed to keep in 1309.[109] Hothum had been Chancellor of the Exchequer at Dublin in 1309[110]. In 1310 he was escheator beyond Trent, and then south of Trent.[111] Edward made him Chancellor of the Exchequer in England, in December 1312.[112]

The king gave his assent to the election in June.[113] The archbishop, however, did not personally examine the elect, but, saying he was to be occupied in Lincoln with business of state, instructed the bishop of Rochester to go on with the necessary procedure of confirmation at Lambeth.[114] Under the circumstances this was probably a mere formality, and on July 20, the temporalities were returned.[115]

The vacancy at Winchester in the summer of 1317 afforded the king another chance to provide for a useful servant. He, the queen, and various magnates wrote to the monks of St. Swithuns to elect John de Sandale.[116] This they obediently did,[117] and royal assent and restoration of the temporalities followed.[118]

106 *Gesta Edwardi de Carnarvon,* 50.
Robert of Reading passes judgment. "... penitus litterarum ignarus et per impressionem regiam injuriose promotus ..." (*Flor. Hist.,* III, 174.)
Annales Lond., 238. The succession is mentioned without comment.
107 *Foedera,* II, 147.
108 In 1309 he was archdeacon of Glendalough, and canon and prebend of St. Patrick's, Dublin, of Cashel, Waterford, Emly, Leighlin. He was also incumbent of Lanre and of Kennegh in the dioceses of St. David's and Dublin, and of two chaplaincies in the diocese of Waterford. (*Calendar of Papal Letters,* II, 50-51.)
109 *Ibid.,* 110.
110 *Calendar of Patent Rolls,* 1307-13, 114.
111 *Calendar of Close Rolls,* 1303-13, 199, 287.
112 *Calendar of Patent Rolls,* 1307-13, 515.
113 *Calendar of Patent Rolls,* 1313-17, 479.
114 *Register of Reynolds,* f. 117. It was dated July 17.
115 *Calendar of Patent Rolls,* 1313-17, 517.
116 *Register of Sandale,* 335-37.
117 *Eccles. Pet.,* File 18.
118 *Calendar of Patent Rolls,* 1313-17, 522, 549.

After Sandale's long service to the crown, his elevation to the wealthy see of Winchester was, no doubt, considered deserved. He had been a clerk of the king since 1294,[119] and had served Edward I in Gascony.[120] In 1300 the king appointed him keeper of the exchanges in England,[121] and five years later he was chamberlain of Scotland.[122] Edward II made him Chancellor of the Exchequer in 1307.[123] He was acting treasurer in 1312,[124] and two years later again became Chancellor.[125]

As befitted an important official of the crown, Sandale held numerous benefices of the church, for which he received a bull of privilege in the winter of 1305-06.[126] As a subdeacon he had held the chancellorship of St. Patrick's, Dublin, and various other benefices, for which the king and Henry of Lincoln successfully requested a dispensation for him.[127] Furthermore, he was allowed to postpone for five years his ordination as priest. The pope allowed him also to be non-resident.[128]

An important and much disputed appointment at this time was that at Durham, 1316-17. The election of Kellawe in 1311, had provoked no controversy, but at his death rival interests clashed. On October 19, 1316, Edward granted the licence,[129] and the election took place soon afterwards. One, Henry de Staunford, was the monks' choice, but the king was dissatisfied and wrote to the pope, November 23, asking him to provide his kinsman and clerk, Louis de Beaumont instead.[130] Edward stated that this see had been reserved by Clement V, and that although the papal nuncio had told the monks this, they had made the election to which he had refused his assent.[131]

Robert de Graystanes makes an interesting story. Ac-

119 *Calendar of Close Rolls,* 1288-96, 408.
120 *Calendar of Patent Rolls,* 1292-1301, 247, 440, *et passim.*
121 *Ibid.,* 504.
122 *Calendar of Patent Rolls,* 1301-07, 335.
123 *Calendar of Patent Rolls,* 1307-13, 6.
124 *Ibid.,* 501.
Only one chronicler makes the definite statement that the king secured Sandale's appointment. Bridlington, *Gesta Edwardi de Carnarvon,* 50.
His preferment is mentioned by other writers. Murimuth, *Continuatio Chronicarum,* 24: Walsingham, *Historia Anglicana,* I, 148: *Contin. Trivet.,* 20: *Annales Lond.,* 238.
Robert of Reading, *Flor. Hist.,* III, 174. ". . . vir cunctis affabilis et necessarius communitati . . ."
125 *Calendar of Close Rolls,* 1313-18, 197-8.
126 *Register of Winchelsea,* f. 48.
127 *Calendar of Papal Letters,* II, 27: *Register of Winchelsea,* f. 48.
128 *Register of Winchelsea,* f. 48.
129 *Calendar of Patent Rolls,* 1313-17, 555.
130 *Foedera,* II, 302: *Registrum Palatinum Dunelmense,* IV, 391-93.
131 *Registrum Pal. Dunelm.,* IV, 391-93. Yet Edward gave the usual licence to elect.

cording to him, the king had wanted Thomas de Charlton to obtain the post.[132] The queen, however, persuaded him to ask for Louis de Beaumont instead, and at the same time she wrote to the cathedral clergy on his behalf. The earl of Hereford had his candidate in the person of John Walwayn.[133] When the election was to be held, barons and notables assembled in the church to keep an eye on proceedings, and threats were made against the monks if they chose one of their own number. Graystanes was pleased that outside pressure failed to intimidate the convent. He thought that Edward would even have consented to Staunford had there been no queen to plead on her knees before him for her kinsman Louis de Beaumont. Realizing their uncertain prospects if the case were submitted to the chapter at York, the monks arranged that one of their number should oppose the election so that they could appeal to the new pope, John XXII, whom they hoped to find favourable. They were too late, however, and before their representatives arrived at the papal court, John, at the request of the kings and queens of England and France, provided Isabella's nominee.[134]

Edward's letter of November on behalf of Louis de Beaumont, had been followed by another to the pope in January.[135] On February 9, John appointed him by virtue of a reservation made by Clement V.[136] To compensate the unsuccessful Henry de Staunford for his heavy expenses, the pope reserved for him a benefice in the gift of the prior and convent.[137] A request of the king that the new bishop might be consecrated in the church at Durham by any bishops of his choice, was granted,

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132 *Historia Dunelmensis*, Wharton, I, 757.
Charlton was secretary of the king and a professor of canon law. Edward wrote to the pope about this time asking that he be provided to a bishopric or archbishopric. (*Registrum Pal. Dunelm.*, IV, xliv, *Excerpts from the Letter Book of Richard de Bury.*) On January 8 he again made a request for him—this time in general terms. (*Ibid.*, xlv: *Foedera*, II, 310-11.) A few days afterwards another petition was sent to John, and the king's agents at the papal court were instructed to advance it in every possible way. (*Calendar of Chancery Warrants*, 457.) In the spring of 1317 several letters were sent requesting the see of Hereford for him. (*Foedera*, II, 319, 321, 328, 329.)

133 John Walwayn was escheator south of Trent. (*Calendar of Patent Rolls*, 1313-17, 644.)
A. E. Middleton says that Lancaster had his own candidate also, John de Kynardesley. *Sir Gilbert de Middleton* (Newcastle, 1918), 20.

134 Wharton, *op. cit.*, I, 758. "Imposita tamen ei fuit tanta pecunia solvenda Curiae, quod per XIV annos sequentes solutionem vix complevit."

135 *Foedera*, II, 312.

136 *Calendar of Papal Letters*, II, 136: *Foedera*, II, 313.

137 *Calendar of Papal Letters*, II, 151: Wharton, *op. cit.*, 758. Graystanes says that Staunford died broken and bankrupt, and that a miraculous heavenly light came from his tomb.

with the additional privilege of deferring consecration until Michaelmas.[138] In May, de Beaumont renounced anything in the bull prejudicial to the king's rights, and received the temporalities.[139]

This appointment drew severe criticism from some of the writers of the time. As far as one can judge from the attitude of chroniclers, preferment of royal nominees did not necessarily offend public sentiment if such candidates had worthy records as government officials. The appointments of Drokensford, Hothum, and Sandale, where there is a presumption of royal interest, seem to have been acceptable enough. But these men could be regarded as servants of the crown, whereas Reynolds and de Beaumont may well have appeared as favourites of a king. To be sure, the former had served Edward II for a number of years, but many distrusted him, while his long intimacy with the king, involving, in all likelihood, a close association with the unpopular Gaveston, would not commend him generally. He was too close to Edward's unpopular policies. Louis de Beaumont had been less prominent. He was a king's clerk and had been dean of the royal free chapel of Stafford and treasurer of Salisbury.[140] His name also appears in a list of companions of the queen going overseas in 1313.[141] He was probably an untried man for a post of such responsibility as the see and Palatinate of Durham.[142] His appointment over the head of a local man may well have been unpopular, and there was a report current that the notorious robbery of the cardinals Gaucelin and Luke on their way to consecrate him was really intended as an attack on the new bishop.[143] Murimuth had a poor opinion of him, and while in this case this writer was obviously prejudiced, his knowledge of politics and prominent men was such that his estimate is of value.[144] Robert de Gray-

138 *Foedera*, II, 316: *Calendar of Papal Letters*, II, 153.
139 *Foedera*, II, 328: *Calendar of Patent Rolls*, 1313-17, 644.
140 *Calendar of Patent Rolls*, 1307-13, 219: *Calendar of Close Rolls*, 1313-18, 16.
141 *Calendar of Patent Rolls*, 1307-13, 580.
142 Some years later Edward saw fit to upbraid de Beaumont for neglect of preparations against the Scots. (*Foedera*, II, 506: *Parl. Writs.*, II, Pt. I, 345.)
143 The pope assured him of his support in ruling his diocese. (*Calendar of Papal Letters*, II, 414.)
His consecration was twice postponed, the first time because of his capture. (*Foedera*, II, 344: *Calendar of Papal Letters*, II, 166: *Ibid.*, 168: *Letters from Northern Registers*, 265-68.)
For the report see *Registrum Pal. Dunelm.*, IV, Preface.
144 *Continuatio Chronicarum*, 25, "... qui licet fuit nobilis genere tamen mediocriter literatus et claudus utroque pede, sicut sunt multi Francigenae, quem si papa vidisset forsitan non creasset."

stanes, who was probably biassed too, declared that de Beaumont was avaricious, litigious, and ignorant of Latin.[145] Robert of Reading was equally severe and alleged bribery.[146] The Lanercost Chronicle referred to his lameness but found him liberal and agreeable none the less.[147]

A vacancy occurring at London in December 1316, by the death of Bishop Segrave,[148] Richard de Newport, archdeacon of Middlesex was elected.[149] The king gave his assent, February 11,[150] and on March 26 the archbishop certified his satisfactory examination and asked for the temporalities.[151] These were restored five days later.[152]

When Walter de Maydenstan, bishop of Worcester, died in the early spring of 1317, the royal licence was asked and received.[153] The appointment was made not by election, however, but by papal provision of March 31, when Thomas de Cobham was given the see.[154] The return of the temporalities was delayed until November.[155] Thomas of Lancaster had interested himself on behalf of Cobham, and had asked the pope, John XXII, to give him this bishopric, but from the date of the provision it would seem that the appointment had preceded the earl's request.[156]

We cannot be certain how far the king was instrumental in this promotion of Cobham, but he probably had an important share in it. In January preceding he had sent the letter to the pope which has already been noted, in which he asked that Thomas be restored to favour.[157] A week after the actual appointment he ordered other letters to John with the same re-

145 Wharton, *op. cit.*, I, 761.
146 *Flor. Hist.*, III, 182. ". . . cum effusione florenorum."
147 Maitland Club edition, 233.
Trokelowe, *Chronica et Annales*, 99, ". . . cui Dominus papa ad instantiam Regis, Episcopatum Dunelmensem, spreto ejusdem loci electo, contulerat." *Chron. de Melsa*, II, 334; Bridlington, *Gesta Edwardi de Carnarvon*, 52. The *Annales Paul.*, 282, note the consecration ". . . nulla praenuntiatione ad populum prius facta vel proclamata." Was there fear of a possible demonstration?
148 *Annales Lond.*, 240.
149 *Annales Paul.*, 280.
150 *Calendar of Patent Rolls*, 1313-17, 615.
151 *Eccles. Pet.*, File 19.
152 *Calendar of Patent Rolls*, 1313-17, 633.
Only a few brief notices of this appointment are found in the narrative sources. Cf. also *Flor. Hist.*, III, 177. Richard de Newport was apparently a churchman only.
153 *Eccles. Pet.*, File 19: *Calendar of Patent Rolls*, 1313-17, 635.
154 *Calendar of Papal Letters*, II, 140.
155 *Calendar of Patent Rolls*, 1317-21, 52.
156 *Calendar of Papal Letters*, II, 441.
157 *Ancient Correspondence*, 32/121: *Foedera*, II, 312: *Supra*, 18.

quest,[158] and a similar communication seems to have passed by way of the archbishop of Canterbury.[159] The latter refers to the disfavour under which he had been living. The Patent and Close Rolls prior to 1313 have numerous entries illustrating Cobham's former prominence in the administration with which the absence of such references in the following years is in marked contrast. The king's letter of January in which Cobham's opposition to the earlier Canterbury appointment is given as the reason for the royal displeasure, may not hold the full explanation. It has been noticed that Lancaster was interested in him, and it is by no means unlikely that Cobham, after his treatment by Edward in 1313, had supported the political opposition led by this earl.[160]

The vacancy which occurred at Hereford in the spring of 1317 was likely seen in advance, since Bishop Swinfield had long been in poor health.[161] For some time Edward had been asking the pope for promotion for his clerk Thomas Charlton, and in March, after Swinfield's death, he petitioned John to appoint him to this see.[162] At the same time he asked the cardinal of St. Ciriac to interest himself in Charlton's appointment.[163] Both these letters preceded the licence to elect which was issued to the Hereford chapter, April 7.[164] It seems unlikely that the licence would be issued without the king's knowledge, and it looks as if at first Edward had been really depending on a papal provision. But Charlton's candidature was not prospering. Further letters to the papal court were despatched, May 6, in which the king stated the special qualifications of Thomas Charlton for this see on the Welsh border.[165] This time he addressed himself to more cardinals. Rumours had reached England that John meant to reserve Hereford for Adam de Orleton, whom Edward had sent to Rome, and he instructed

158 *Calendar of Chancery Warrants*, 466.
159 *Register of Reynolds*, f. 38 b.
160 Cobham gave up three prebends after York became vacant in 1315, each of which the king bestowed elsewhere by *droit de régale* during the vacancy of their respective sees. They were Fenton in York (*Calendar of Patent Rolls*, 1313-17, 633.) one in St. Paul's, London, (*Ibid.*, 635.) and one of St. Ethelbert, Hereford, (*Ibid.*, 639.)
Edward seems to have presented him to no other benefices at the time. One wonders if pressure was being put on him to resign benefices, which, *sede vacante*, would fall to the king.
161 *Register of Orleton*, Introd., vi.
162 *Foedera*, II, 319.
163 *Ibid.*, 321.
164 *Calendar of Patent Rolls*, 1313-17, 633.
165 *Foedera*, II, 328-9.

his council to investigate such reports to the end that Orleton's suit be stopped and the candidature of Thomas Charlton promoted.[166] The king drew attention to the position of a bishop as a councillor of the realm, a position with which Orleton's reported disloyalty at the papal court would be incompatible. At the same time Edward told Orleton to decline the see if the pope offered it to him.[167] Although seeking a papal provision, the king was unwilling to bind himself to that. Election by the chapter at Hereford was still a way to appoint Charlton, and on May 9, he wrote to the dean and individual members asking them to choose him.[168]

Orleton himself was not without claims upon Edward's recognition, for he too had been in the royal service for some years. He had been on the staff of Walter Reynolds in 1309, and had gone overseas with him.[169] He had been especially useful in diplomatic service and had spent considerable time at the Roman court. An entry in the Patent Rolls refers to his wages for half a year's sojourn there.[170] Probably his experience there stood him in good stead now. All Edward's efforts on Charlton's account failed, and on May 5, John gave the bishopric to Orleton, who received consecration before returning to England.[171] The king appears to have accepted the outcome without serious complaint, receiving his fealty in July, and restoring the temporalities the same month.[172]

At this time there were long negotiations about the see of York. Archbishop Greenfield had died, December 6, 1315.[173] On the fourteenth the *congé d'élire* was asked, and on January 23 the king was informed of the election of his clerk, William de Melton.[174] Early in February Edward notified the pope and college of cardinals of his assent to this,[175] and soon afterwards the archbishop-elect went overseas in "the king's service."[176] The errand was actually to the Roman court, and concerned the

166 *Calendar of Chancery Warrants*, 468. John de Stratford, later bishop of Winchester, was named on the committee. He afterwards did the same thing for which Orleton was here blamed.
167 *Foedera*, II, 328.
168 *Calendar of Close Rolls*, 1313-18, 467.
169 *Calendar of Patent Rolls*, 1307-13, 107.
170 *Ibid.*, 468, 517.
171 *Calendar of Papal Letters*, II, 150: *Register of Reynolds*, f. 239.
172 *Calendar of Close Rolls*, 1313-18, 529: *Calendar of Patent Rolls*, 1317-21, 3.
173 *Calendar of Patent Rolls*, 1321-24, 138.
174 *Calendar of Patent Rolls*, 1313-17, 374: *Eccles. Pet.*, File 18. Cf. Apx., 119.
175 *Calendar of Patent Rolls*, 1313-17, 387.
176 *Ibid.*, 390.

election.[177] The suit moved very slowly and on October 1, the king wrote to various cardinals for their co-operation.[178] He sent further letters in November.[179]

Edward was most desirous that Melton should get the see, for he was an old servant of his father and himself. He was a king's clerk in 1297,[180] and in 1306 was controller of his household as Prince of Wales.[181] About this time he was entrusted with the privy seal.[182] In the year 1310 he was especially commended to the pope to whom he was going on a mission of the king.[183] Five years later he held the important post of keeper of the king's wardrobe.[184] He enjoyed ecclesiastical emolument proportionate to his rank in the royal service, holding the deanery of St. Martin's le Grand.[185] He too was a generously dispensed pluralist.[186] He seems to have enjoyed a reputation as an honest administrator and conscientious ecclesiastic, but was not above securing a benefice with cure for a twelve-year-old nephew, shortly after his own promotion.[187]

There is little clue to the real causes of the delay at the papal court. The election was evidently disputed by a minority of six canons who appealed to the pope against the seventeen who supported Melton.[188] This was doubtless the framework of the litigation, but it is unlikely that on their own resources alone the six would have continued so prolonged an obstruction against the king and the majority of the chapter. We learn that the objections made to the elect included his responsibility to the king for accounts which he owed during his service, and to rebut this, Edward ordered his acquittance of all such responsibilities and reckonings.[189] This was in December, 1316.

Besides this appeal of the minority in the chapter, it is possible that the interregnum at the Roman court, 1314-16, may have disorganized administration there to the disadvantage of Melton's business. Such a condition would not be operative for

177 *Foedera*, II, 285.
178 *Ibid.*, 298.
179 *Ibid.*, 300.
180 *Calendar of Close Rolls*, 1296-1302, 37.
181 *Calendar of Close Rolls*, 1302-07, 392.
182 Tout, T. F., *Chapters in Administrative History*, II, 283.
183 *Foedera*, II, 107.
184 *Calendar of Patent Rolls*, 1313-17, 209.
185 *Calendar of Close Rolls*, 1307-13, 135.
186 *Calendar of Papal Letters*, II, 42, 110.
187 *Calendar of Papal Letters*, II, 166.
188 *Calendar of Papal Letters*, II, 165.
189 *Calendar of Patent Rolls*, 1313-17, 432: *Calendar of Chancery Warrants*, 452.

long, however. More probably the delay was mainly due to desire of the authorities at Rome to examine the question of episcopal appointment in England. In 1316 and 1317 the monks of Ely and Winchester had elected royal servants of long standing, and the canons of St. Paul's had chosen an undistinguished individual. The primate, Reynolds, was notoriously a king's man. The archbishop-elect of York had his own long record as a confidential servant of the crown, and the papal court might pardonably be apprehensive lest too many important posts in the English church fall into the hands of royal officials. Of course, against such a hypothesis is to be set the appointment of Louis de Beaumont to Durham, while Melton's case was pending, a man whose only qualification appears to have been the confidence of the king and queen. In the absence of more evidence, one can only speculate. If two royal candidates were to be advanced for important northern sees, it might be safer for the authority of the Roman court to appoint a royal favourite who was a mediocrity—especially as it would please the king and queen of France—than a crown official who had been efficient. Edward's complete endorsement of Melton may not have been the best way to promote his candidature.

On December 26, 1316, the king again wrote to the pope and to six cardinals expostulating against the injuries done to the church and realm by the continued delay.[190] and again on January 7 to the pope and his vice-chancellor.[191] A further letter followed two weeks later asking credence for a mission that was being sent about the case.[192] Three cardinals also were addressed at the same time. More requests were made in February and March.[193] Robert, king of Jerusalem, was also asked to intercede for Melton.[194] In June and July additional letters went,[195] and Edward wrote especially to Pandulph de Sabello and two others thanking them for ceasing to annoy Melton at the papal court.[196] Showing a perseverance with which he is too seldom credited, Edward held to his purpose here, and once more, in September, wrote on behalf of his servant.[197] We have a papal letter of April 20, 1317, in which John assured him of

190 *Foedera*, II, 305.
191 *Ibid.*, 310.
192 *Ibid.*, 312.
193 *Ibid.*, 314, 315, 319.
194 *Ibid.*, 327.
195 *Ibid.*, 332, 337.
196 *Ibid.*, 333.
197 *Ibid.*, 341.

justice with all possible despatch. He referred to the complaints of the opposition but said nothing of their character.[198] The case was entrusted to the bishop of Albano.[199] The king and Melton eventually won, and on September 28, 1317, the election was confirmed.[200] The bull itself was delayed, and on October 8 Edward gave the temporalities before the new archbishop had done fealty.[201] The advowsons were kept back until this should be done.[202]

The see of London falling vacant in 1318, the dean and chapter of St. Paul's elected Stephen de Gravesend, and, on September 12, they asked the king to send letters patent to Archbishop Reynolds.[203] Here too we have the appointment of an old servant of the crown, the elect having been a justice of gaol delivery under Edward I,[204] and of forests and oyer and terminer under his son.[205] The king assented to the election, and on November 6 commissioned the Chancellor of the Exchequer to take the fealty and deliver the temporalities.[206] There appears to have been no obstruction.[207]

Another appointment which led to a long dispute was at Rochester. On March 18, 1317, an election took place in which twenty-six members of the chapter voted for Hamo Hythe, the prior, and nine voted for three others.[208] Seven of these votes were for one person who renounced them. The election was published but, at the pope's order, Cardinals Gaucelin and Luke, papal legates then in England, examined it. These preferred not to decide, and instead sent the documents to the papal court where there was a further investigation by Arnald, bishop of Albano, and William, cardinal of St. Ciriac's. The election was challenged by a certain Peter de Condone, but Cardinal Luke, who had been ordered to confirm the election, did so notwith-

198 *Ibid.*, 326: *Calendar of Papal Letters*, II, 414.
199 *Ibid.*, 440.
200 *Ibid.*, 165.
201 *Calendar of Patent Rolls*, 1317-21, 33: *Foedera*, II, 344.
202 *Calendar of Chancery Warrants*, 478. On November 21, 1317, the king presented to a benefice of the church of St. John, Beverley, and instructed the guardian of the spiritualities of York to admit, that see being void. (*Calendar of Patent Rolls*, 1317-21, 55.)
203 *Eccles. Pet.*, File 19.
204 *Calendar of Patent Rolls*, 1292-1301, 403: *Calendar of Patent Rolls*, 1301-07, 409.
205 *Calendar of Close Rolls*, 1313-18, 274: *Calendar of Patent Rolls*, 1313-17, 414.
206 *Calendar of Patent Rolls*, 1317-21, 225.
207 The *Annales Paulini* report the election and mention a quarrel between Gravesend and Reynolds. (283-4.)
208 *Calendar of Papal Letters*, II, 188-9.

standing.[209] The most promising ground for challenge was a papal reservation. Such a bull was issued, *sedis apostolice auctoritate,* on March 19 and was sent to the archbishop of Canterbury.[210] Reynolds declared that this reached him April 28 and was the first he had heard of such a step. He said he obeyed the mandate of Gaucelin and read it first to the full council of the Court of Arches at London and on the third day in Rochester cathedral before monks, clergy, and laity of the city. He then published it.[211]

A detailed account of this appointment is given by William de Dene, who was a representative of Hamo Hythe to the cardinals at Durham, and to the Roman court.[212] According to his version, the archbishop himself said that the pope was reserving the post for the queen's confessor, John de Puteoli. He admitted Hythe, however, who had on his side the opinion of most of the English doctors that the election had preceded the papal reservation by one day.[213] The elect was advised not to go to the Roman court, but to disregard the constitution *Cupientes,* so he sent a proctor and retained Testa to act for him.[214] William de Dene agrees that the pope committed the matter to Gaucelin and Luke, and adds that they had instructions to confirm and consecrate if all was canonical, and if they were satisfied that the elect had not forfeited his right by failure to start for the Roman court within a month of notification of the reservation. Our historian makes the interesting statement that although the king wrote to John in the interest of Hythe, the queen wrote against him and induced the king of France and three French queens to support her. Largely at the insistence of Cardinal Peter de Nogaret, *"qui semper adversabatur Electo,"* Hythe went personally to the papal court.[215] According to this account, Isabella finally persuaded Edward to support her confessor for the bishopric, and between them they caused the spokesman of the auditors to declare untruly that the majority had found against Hythe, on the basis of *Cupientes.* Numer-

209 *Calendar of Papal Letters,* II, 188-9.
210 *Register of Reynolds,* f. 241.
211 *Ibid.,* Cf. Apx., 121.
212 *Historia Roffensis,* Wharton, *op. cit.,* I, 357-61.
213 *"Si Papa sibi provisionem ecclesiae cathedrali reservavit inhibuit et decrevit, non est vitiata electio quae praecesserat.* (*Corpus Iuris, Sext.,* Lib. I. Tit. VI, Cap. lxv.)
214 *Corpus Iuris, Sext.,* Lib I., Tit. VI, Cap. xvi. *Cupientes.* When the confirmation or circumstances of an episcopal appointment were matters for the apostolic see to examine, the elect had to take the road to Rome within one month.
215 Wharton, *op. cit.,* 359.

ous letters from Englishmen on Hythe's behalf accomplished little, but the sudden death of the queen's confessor evidently cleared the way. The pope, rejecting Testa's reported advice to appoint a third man, told Luke to complete the business, and he, consulting with six major auditors, found for Hythe, now seriously ill. The writer cynically adds that the citation to appear for the verdict was given in the knowledge of this illness, with the hope that by failure to attend, he could be deprived.[216] With pleasure he reports that the elect did attend. Hythe was consecrated at the court of Rome, took the oath to the archbishop of Canterbury, November 2, 1319, and after doing fealty to the king, received the temporalities, December 5.[217]

About this time, Edward heard that John was reserving the see of Winchester at its next vacancy, so early in November he wrote asking that it be given to his clerk Henry de Berghersh, nephew of Bartholomew Badlesmere, his seneschal.[218] Berghersh was a young man of no prominence in the administration. Moreover, he was under the canonical age for such an appointment.[219] The king had already shown him favour by collating him to the deanship of the free chapel of Tikehill, December, 1318.[220] This was done in error, and a few months later Edward made another attempt and requested the pope to to appoint him to the archdeaconry of Canterbury, recently vacant *in Curia*.[221] This request was not granted, and Edward made a serious effort now. Evidently Badlesmere was an important factor in the suit. Among *Ancient Correspondence* is to be seen a letter of his dated November 7, 1319, in which he asked the king to have Winchester reserved for his nephew.[222] Edward at once wrote to twelve cardinals about it,[223] and in December sent another petition to the pope.[224] A mission was sent to the papal court at the same time, which included in its business the candidature of Berghersh.[225]

All these efforts failed, however. On November 26 John

216 Wharton, *op. cit.*, I, 760.
217 *Ibid.*, 761: *Calendar of Patent Rolls*, 1317-21, 410.
218 *Foedera*, II, 405.
219 *Vita Edwardi Secundi*, 250-1.
Register of Reynolds, f. 220 b.
Cf. *Corpus Iuris, Greg. IX*, Lib. I, Tit. VI, Cap. vii. "*. . . statuimus ut nullus in Episcopum eligatur nisi qui jam tricesimum annum aetatis exegerit.*"
220 *Calendar of Patent Rolls*, 1317-21, 244.
221 *Foedera*, II, 392.
222 *Ancient Correspondence*, 33/10.
223 *Foedera*, II, 407.
224 *Ibid.*, 411.
225 *Registrum Pal. Dunelm.*, IV, Preface, lv.

gave the bishopric to his nuncio Rigaud Assher who had served in England for some time and would be useful to papal interests there.[226] The pope was liberal to his appointee. He excused him from coming to the apostolic see for ordination and confirmation.[227] In May of the next year he allowed him to defer his consecration until All Saints,[228] and later on extended the time again until Christmas.[229] Of some interest is the privilege granted him in 1321, of demanding of all prelates and beneficed clergy of his diocese a subsidy to meet his expenses, losses, and debts incurred during his service with the papal camera.[230]

The king was displeased at this appointment. It may be that John was anticipating this when in December, 1319, he wrote to him and to the queen and Lancaster, asking protection for Rigaud.[231] The see of Winchester was second only to Durham in wealth and was a much coveted post. Its gift to the foreign servant of a foreign court would probably arouse more than royal resentment. It is not easy to interpret Edward's intentions. While he was petitioning the Roman court he issued the licence to the monks of St. Swithun's, November 24.[232] They proceeded to choose Adam of Winchester, one of their own number, and on December 26 the king notified the archbishop of his assent to this.[233] Since this was a full month after the pope's provision of Rigaud, of which Edward was aware, this has the appearance of a manoeuvre to improve his own legal ground. He did not stand by this, however, and soon accepted the papal presentee. He made an attempt to pose as a constitutionalist, and in delivering the temporalities to Rigaud drew up a formal protest that the privilege of election by chapters as set forth by Magna Carta should stand, and that he yielded this time only

226 *Calendar of Papal Letters,* II, 194.
227 *Ibid.*
228 *Ibid.*, 200.
229 *Ibid.*, 199.
230 *Calendar of Papal Letters,* II, 213.
231 *Ibid.*, 424.
232 *Calendar of Patent Rolls,* 1317-21, 402.
233 *Annales Paul.*, 288. Reference is made to Adam's election.
Murimuth, *Continuatio Chronicarum,* 31. He refers to the appointment of Rigaud. ". . . de quo rex male contentabatur, sed, causa pecunialiter cognita, ipsum dimisit in pace."
Trokelowe, *Chronica et Annales,* 105-6, says Adam was a worthy person. He mentions the king's reluctance to accept Rigaud, and the refusal of the latter to be consecrated by the archbishop, having it done instead by the bishop of London. The ceremony was at St. Albans and Rigaud gave the monks a written guarantee that this should not be to their future prejudice.
The *Historia Anglicana,* 157, follows Trokelowe, but adds that the pope reserved Winchester "quia pingue fuerat." (*Calendar of Patent Rolls,* 1317-21, 406.)

out of reverence for the pope.[234] The elect had to disavow all words in the bull of appointment which were prejudicial to the crown, and to recognize expressly that he received these temporalities from no one but the king. In providing to the see of Hereford two years before against Edward's wishes, John had at least appointed an Englishman who was a servant of the crown. Here, however, it was a foreigner and a servant of the papacy. Not improbably Edward had baronial support in his protest. It is perhaps worthy of note that the three bishops who attended the protest were all trusted servants of the crown, *i. e.,* John Salmon of Norwich, Walter de Stapeldon of Exeter, and Stephen de Gravesend of London. The pope was pleased to have Rigaud accepted, even under protest, and wrote to the king expressing his gratification. Similar letters were sent to the three bishops and to Pembroke, Lancaster, and Hugh Despenser.[235]

As John Dalderby, bishop of Lincoln, was growing old and failing in health, the pope made a reservation of this see which promised soon to be void.[236] When Dalderby died, early in January, 1320, the canons first chose as his successor their dean, Henry de Malmeffed, but on his withdrawal they elected Anthony Bek, a relative of the former bishop of Durham. But Archbishop Reynolds had learned of the papal reservation, and refused to confirm.[237] Quite possibly the primate was aware that Edward had another candidate in view, *i. e.,* Henry de Berghersh for whom he had unsuccessfully asked the see of Winchester.

Presumably the king had granted the *congé d'élire* to the canons of Lincoln because otherwise one would expect to find record of a penalty for unlicensed election. It was to the pope however, that Edward really looked for the final determination of the appointment, and on January 16 he asked John to provide Berghersh. On the same date he wrote to the cardinal of Saints Marcelinus and Peter with the same request, and sent instructions to four of his own representatives at the papal court to press for a favourable decision.[238] Two months after this Edward again brought the matter before the pope.[239] Ac-

234 *Foedera,* II, 422.
235 *Calendar of Papal Letters,* II, 424.
236 *Ibid.,* 189.
237 *Register of Reynolds,* f. 220: *Calendar of Papal Letters,* II, 198: *Gesta Edwardi de Carnarvon,* 60.
238 *Foedera,* II, 414.
239 *Ibid.,* 418.

cording to "The Monk of Malmesbury," the king of France and Edmund, brother of the English king, asked papal favour for Berghersh.[240] Bek went personally to the court of Rome but without success.[241] Whether out of regard for the pressure from notables, or to appease Edward after the distasteful Winchester appointment of 1319, John accepted the king's nominee and appointed him on June 10, 1320. He was allowed to receive consecration by any three catholic bishops of his choice, assisted by others in communion with the apostolic see.[242] The new bishop received the temporalities on August 5.[243]

In this case the pope had appointed to a bishopric one who was below the proper age. From the chroniclers one concludes that the whole transaction was regarded unfavourably, not only because of the procedure, but because the appointee was considered unsuitable. The action of the pope in quashing the election is spoken of unfavourably, and there is no sign of approval of the papal claim to reserve. Some writers allude to a money transaction. The intervention of the king was well understood. Only Robert of Reading and the writer of the *Vita Edwardi Secundi* say the elect was under age, but there is wider agreement in the derogation of Berghersh's character. John de Schalby, alone of these chroniclers, shows any sympathy for the new bishop.[244]

240 *Vita Edwardi Secundi*, 250-1.
241 *Register of Reynolds*, f. 220 b.
242 *Calendar of Papal Letters*, II, 198.
243 *Calendar of Patent Rolls*, 1317-21, 494.
244 Murimuth, *Continuatio Chronicarum*, 31, refers to the later ingratitude of Berghersh. He mentions that Badlesmere was Edward's representative at the papal court at this time.
Gesta Edwardi de Carnarvon, 60. The writer speaks of Bek's visit to the Roman court. "... quem papa repulit et ad regis instantiam ac etiam pecuniae non modicae interventionem praefectus est Henricus de Burghassche ..."
Annales Paul., 289.
Flor. Hist., II, 191.
Historia Anglicana, I, 254.
Vita Edwardi Secundi, 251. The author makes this another occasion for an attack on provisions, and laments the unsuitable appointments which, he considers, were frequent. He says that Berghersh was not yet twenty-five, but that is at variance with the archiepiscopal register which refers to him as in his twenty-ninth year. (*Register of Reynolds*, f. 220 b.)
"Mirabile quidem factum, quia contra legem et rationem actum: nec visum nec prius auditum ut tam juvenis praeficeretur in episcopum ..."
"Talem siquidem non praefert honestas sed cupiditas, non moralitas sed venalitas, non scientia sed pecunia, non meritum sed pretium, non electio sed ambitio ..."
He seems to be enjoying his rhetoric. (252-3.)
John de Schalby, *Lives of the Bishops of Lincoln, Opera Giraldi Cambrensis*, VII, 215, declares that Edward persecuted Berghersh. This writer was a canon of Lincoln and died in 1323.

There was a disputed election at the see of Coventry and Lichfield when Bishop Langton died, 1321. The monks of Coventry chose as his successor their prior, Henry, but the canons of Lichfield appealed to the pope.[245] The king wanted this bishopric for one of his servants and, on November 30, wrote to John asking him to appoint Robert Baldok, archdeacon of Middlesex.[246]

Baldok had risen rapidly in royal favour. He was in the king's service in 1317 and next year was on a judicial commission in the north.[247] In the spring of 1320 he went overseas on the king's business, and with the king himself in June.[248] We find him a member of a commission to treat for peace with the Scots in September of that year.[249] At this time he was keeper of the privy seal.[250]

Three weeks after Edward sent his first letter to the pope about the see of Coventry and Lichfield, he renewed his request, and entrusted the matter to a special commission of which John de Stratford, soon to be bishop of Winchester, was a member.[251] Whether the king was told that Baldok would be an unacceptable candidate, or whether factions were at work in his own circle,[252] he changed his request, and diverted his support from the archdeacon of Middlesex to another servant, his senior in service, Roger de Northburgh, archdeacon of Richmond.[253]

This clerk had been in the king's employment at least as early as 1310.[254] He was keeper of the privy seal in 1312, and of the wardrobe in 1316.[255] The number of his benefices is a further indication of his high standing with the king through those years.[256] In 1318 we find him especially commended to the pope.[257] He was archdeacon of Richmond in 1320,[258] and about this time Edward asked John XXII to allow him to have procurations although absent. This the pope declined to do, with the explanation that the English churches

245 Wharton, *op. cit.*, I, 443.
246 *Foedera*, II, 462.
247 *Calendar of Close Rolls*, 1313-18, 455: *Calendar of Patent Rolls*, 1317-21, 141.
248 *Ibid.*, 430, 452.
249 *Ibid.*, 504: *Parl. Writs.*, II, Pt. I, 250.
250 *Calendar of Close Rolls*, 1318-23, 237.
251 *Foedera*, II, 468.
252 Cf. Tout, *op. cit.*, II, 301.
253 *Calendar of Papal Letters*, II, 447.
254 *Calendar of Close Rolls*, 1307-13, 337.
255 Tout, *op. cit.*, 286-7.
256 *Calendar of Papal Letters*, II, 143.
257 *Foedera*, II, 374.
258 *Calendar of Chancery Warrants*, 514.

were already burdened with tenths and charges of several nuncios, and this would be adding too much. Such privileges had been granted only to cardinals and one prince.[259] Edward sent a letter in August, 1320, in which he expressed a desire that there should be an English cardinal, and wanted to nominate Northburgh.[260] He renewed the request a year afterwards.[261]

The king had his wish at the voidance of Coventry and Lichfield, and Northburgh was appointed by the pope, January 19, 1322.[262] It would seem that Edward knew beforehand, for letters of his thanking pope and cardinals for their favour are dated January 4.[263] A request followed to allow his consecration to take place in England,[264] and without delay the order to restore the temporalities was given.[265] In September Edward again sent the pope his thanks.[266] Edward's political troubles at home were becoming serious at this time, and doubtless he was very glad to have this large see given to a loyal servant. It included many of the Lancastrian estates as well as the palatine county of Cheshire. It also flanked the territory of the Marcher Lords and the diocese of the disaffected Adam de Orleton. It is quite probable that the king's need decided John to appoint his nominee again.

John de Monmouth, bishop of Llandaff, died in April, 1323,[267] and on May 31 the canons received licence to elect.[268] On July 15 the king assented to their choice of Alexander de Monmouth, archdeacon of Llandaff.[269] But meanwhile, by a bull dated June 20, the pope had translated to this see John de Eglesclif, bishop of Connor.[270] There is little record of ensuing negotiations between crown and papacy, but it is evident that Edward was offended. He had just suppressed a formidable revolt of a coalition of barons and was feeling his authority. Allegedly at the advice of the younger Despenser, he detained the revenues of the diocese until the new bishop agreed to pay

259 *Calendar of Papal Letters*, II, 440.
260 *Foedera*, II, 432.
261 *Ibid.*, 452.
262 *Calendar of Papal Letters*, II, 447: *Gesta Edwardi de Carnarvon*, 61.
263 *Foedera*, II, 469.
264 *Ibid.*, 483.
265 *Calendar of Patent Rolls*, 1321-24, 96.
266 *Foedera*, II, 495.
267 *Calendar of Patent Rolls*, 1317-21, 810.
268 *Calendar of Patent Rolls*, 1321-24, 293.
269 *Ibid.*, 326.
270 *Calendar of Papal Letters*, II, 232. The vacancy created at Connor was filled by translation. (*Ibid.*, 231, 233.)

1,000 marks.[271] He kept the temporalities for upwards of a year and John de Eglesclif, before receiving them, had to renounce all words in the bull which were to the prejudice of the crown, and acknowledge also the temporalities as of the king's livery and special grace.[272]

The appointment to Winchester in 1323-4, produced a bitter dispute. Since Rigaud Assher had been a papal official John had the disposal of his benefices when he died in 1323.[273] However, John had had his way at the last vacancy there, and the king might reasonably hope that this would be his turn. In April he urged the claims of Baldok as a royal servant.[274] but on June 20 the pope appointed John de Stratford.[275]

This angered Edward. It was Stratford whom he had entrusted with the mission to advance Baldok.[276] He had served on earlier missions to the Roman court, and at this time was an accredited representative there.[277] Early in July the king asked the pope to recall the appointment and allow the chapter to elect.[278] Similar letters were sent also to twenty-seven cardinals.[279] Later in the month he renewed the request to the pope[280] and urged his old friend Neapolio, cardinal of St. Adrian, to prevent Stratford's appointment.[281] Other important persons were canvassed, including nephews of the pope.[282] In August Adam de Murimuth was sent about the matter and his way prepared by letters of credence to the pope and twenty-eight cardinals.[283]

At home Edward refused to allow the papal letters about the bishopric to be brought into the country, and ordered a search for all such at the Cinque Ports.[284] The sheriffs of London were told to take into the king's hand the goods and chattels of John de Stratford as security for money delivered to him from the wardrobe and elsewhere for his expenses in the

271 *Rolls of Parliament*, II, 21.
272 *Calendar of Patent Rolls*, 1324-27, 11.
273 *Calendar of Papal Letters*, II, 452.
274 *Foedera*, II, 517, 519, 525.
275 *Ibid.*, 525.
276 *Ibid.*, 526.
277 *Ibid.*, 464, 509.
278 *Ibid.*, 526. It would have been a good way to get Baldok appointed.
279 *Ibid.*
280 *Ibid.*, 528.
281 *Ibid.*, 529.
282 *Ibid.*
283 *Ibid.*, 531-2.
284 *Foedera*, II, 527.

king's business.[285] Edward ordered Stratford himself to give up to Adam de Murimuth all bulls and papers concerning state affairs.[286]

The pope tried to pacify the king, and, writing to him in April, 1323, represented the appointment of Stratford as having been made without his own knowledge.[287] At the same time he urged him to excuse the new bishop's long residence at the papal court.[288] He must have believed that Edward was more than ordinarily angry, for not only did he write to the archbishop of Canterbury desiring him to interpose with the king about the see, but he sent similar letters as well to the archbishop of York and to twelve bishops, to Hugh Despenser the younger, to Thomas earl Marshal, Edmund earl of Kent, Pembroke, Hugh earl of Winchester, Arundel, and Warenne.[289] He repeated his request to Hugh Despenser the younger, in January 1324.[290]

Evidently among the proposals which Edward made for the solution of the deadlock was the translation of Stratford to another see, but this the pope declined to do.[290a] In England the king adopted a course more severe, and proceedings were begun against Stratford in the Court of King's Bench in the Hilary term, 1324.[291] Various charges of disloyalty were made, and the accused was censured for contempt in refusing to answer the king's messengers.

John XXII proved to be as determined as Edward and wrote to him at this time that some men interested in the promotion of Baldok were misrepresenting the case.[292] He again urged the king to accept Stratford. Letters followed to Hugh Despenser the younger, "as one able to influence the king," soliciting his good offices.[293] Through that spring more papal communications were sent to the king and to various notables lay and ecclesiastical,[294] and John de Stratford was reassured of the pope's continued concern for him.[295] Finally a reconciliation

285 *Calendar of Fine Rolls*, 1319-27, 221. The bishops of Lincoln, Chichester, and Coventry and Lichfield received similar orders concerning his ecclesiastical goods.
286 *Foedera*, II, 532.
287 *Calendar of Papal Letters*, II, 452.
288 *Foedera*, II, 534.
289 *Calendar of Papal Letters*, II, 452-3.
290 *Ibid.*, 457.
290a *Calendar of Papal Letters*, II, 457.
291 *Foedera*, II, 541-3: *Kings Bench Rolls*, 27/255, m. 38. Hereinafter referred to thus, *K. B.*, 27/255, m. 38.
292 *Calendar of Papal Letters*, II, 457.
293 *Ibid.*, 459.
294 *Ibid.*, 459-460.
295 *Ibid.*, 460.

was effected, due largely, it would appear, to the efforts of the bishops of Norwich and Exeter, and of Hugh Despenser.[296] Stratford made the usual renunciation of objectionable words in the bull, and the temporalities were given back to him, June 18.[297] The new bishop had to purchase recognition of his episcopal authority by a bond to pay the king £10,000, a payment which was never enforced.[298] On June 30, in the presence of John de Stratford and with his acceptance, another protest was made to the papal court, that all episcopal appointments should be by election according to Magna Carta, that in this instance the king gave way only through respect for the pope and holy see, but in future he would insist on free election. Stratford recognized that he received the temporalities of the king's special grace.[299]

After the death of John Halton, bishop of Carlisle, the chapter there unanimously elected William de Ayreminne, canon of York and secretary of the king, January 8, 1324.[300] The elect had served Edward for some years. He was attached to the Chancery in 1311, and was one of the keepers of the great seal in 1314.[301] At the time of the Parliament of Lincoln, 1316, he was keeper of the Rolls, and the enrolment of the proceedings there is attributed to him.[302] He was keeper of the privy seal in 1324.[303]

Edward's assent to this election was promptly given, and the archbishop of York notified, January 17.[304] A month later the temporalities were returned.[305] Within a week of this,

296 *Ibid.*
297 *Foedera,* II, 557.
298 Hook, W. F., *Lives of the Archbishops of Canterbury* (London, 1875), IV, 7.
299 *Annales Paul.,* 305. ". . . magister Johannes de Stratforde archidiaconus Lincolniae et decanus de Arcubus, qui missus fuit ad sedem apostolicam pro negotiis domini regis, tantam optinuit in conspectu domini papae gratiam, quod contulit sibi episcopatum Wyntoniensem . . ."
Murimuth, *Continuatio Chronicarum,* 39. "Hoc anno vacavit ecclesia Wyntoniensis . . . cui providit papa de magistro Johanne de Stretford in curia tunc praesenti, per Regem contra Scotos ad ipsam curiam destinato; de quo rex fuit offensus, pro eo quod ipse scripsit ipsi magistro Johanni, quod ipse procuraret dictum episcopatum conferri magistro Roberto de Baldok, cancellario suo; sed forte literae nimis tarde venerunt."
Henry de Blaneford, *Chronica et Annales,* 147-8, approves of the appointment.
300 *Eccles. Pet.,* File 20.
301 *Calendar of Patent Rolls,* 1307-13, 422: *Calendar of Close Rolls,* 1313-18, 197.
302 *Calendar of Close Rolls,* 1313-18, 430: Hughes, Arthur, "The Parliament of Lincoln, 1316." *Trans. Royal Hist'l. Soc.,* N. S., x, 45.
303 *Calendar of Close Rolls,* 1318-23, 505: *Ibid.,* 1323-27, 134: *Ibid.,* 306.
304 *Calendar of Patent Rolls,* 1324-27, 83.
305 *Ibid.,* 92.

Ayreminne was given letters of protection for two years, going overseas on the king's business.[306]

Edward had written to the Roman court to announce the election of Ayreminne. In his reply of March 1, the pope declared that he had previously appointed John de Ross, papal auditor and an Englishman, and asked the king to excuse him. He assured Edward that he had his clerk written on the tablets of his heart and would promote him in due time and place.[307] Apparently, queen Isabella had also been writing to the pope on behalf of the elect, and to her, similarly, John was firm, declaring that the provision could not be altered.

Clearly, Ayreminne had a wholesome regard for the pope as the ultimate arbiter in this case. Although confirmed by his metropolitan and granted the temporalities by the king to whom he did fealty, none the less, on hearing of the papal reservation he appeared before his sovereign and abandoned his new honours. Since he declined to rely on the royal support in any way, and renounced all issues of the bishopric, Edward ordered the resumption of the temporalities, being unwilling to lose his own rights.[308]

The voidance of the see of Norwich in the summer of 1325 enabled Edward to make another bid on behalf of Baldok. Hostility to the king had by this time become very formidable in England and he had need of friends among the bishops. On July 10 he wrote to the pope assuring him of his reconciliation with Stratford, thanking him for kindnesses, and asking his favour to be shown to his chancellor, who was involved in a dispute with Cardinal Gaillard about a benefice.[309] In this letter there is no mention of episcopal appointment. However, it looks very much as if the king had his eye on Norwich and was smoothing the way for his servant, for on the same day that the above was written, he gave letters to the prior and convent there to elect a new bishop in succession to John Salmon whose death had just been reported unofficially. No licence had been sought but he was evidently trying to reduce delay.[310] These letters

306 *Ibid.*, 99.

307 *Calendar of Papal Letters*, II, 468.
Ross had been archdeacon of Shrewsbury and was in the papal service for some years. (*Calendar of Papal Letters*, II, 74.)

308 *Calendar of Fine Rolls*, 1319-27, 343.

309 *Foedera*, II, 560. The benefice was Aylesbury. Cf. *Infra*, 103.
Baldok was excommunicated because of this dispute. (*Calendar of Papal Letters*, II, 252.)

310 *Calendar of Patent Rolls*, 1324-27, 147.

were vacated two days later, and authority deputed to issue the licence on request by the chapter. Again haste is suggested.[311] This also was vacated when, on the thirteenth, the actual *congé d'élire* was given on formal request by the chapter of the Holy Trinity.[312] Even then some time was occupied, for the royal assent to Baldok's election which ensued, was dated the twenty-eighth.[313] Archbishop Reynolds duly examined the proceedings and confirmed the election, August 14.[314] He saw fit to add that the proclamation was made in the presence of Hugh de Engolisma, papal nuncio. Two days previously the king delivered the temporalities.[315]

One wonders if the monks of Norwich were trying to circumvent the king. Le Neve, quoting the *Chronicon Breve Norwicense* dates the death of Salmon at July 2.[316] Their official notification and petition did not reach Edward until the twelfth or thirteenth, only five days, or possibly six, before the date on which the pope said he himself had learned of it.[317] Another delay of two weeks occurred between the issue of the licence and the royal assent, and it is highly improbable that the king desired it.

The pope lost no time in appointing William de Ayreminne, the royal clerk who had been so careful to give up Carlisle when John made his claim there.[318] The provision to Norwich made no claim to a prior reservation.

This was Edward's third unsuccessful attempt to secure a bishopric for Baldok, and he was greatly chagrined. His chancellor was in disfavour at the Roman court, especially through his attitude on the Aylesbury controversy,[319] and his excommunication was hardly an asset to him as a candidate for episcopal promotion. But Edward took the rebuff hard. Evidently the matter was serious enough to engage the attention of the nuncios to England, the archbishop of Vienne and the bishop

311 *Ibid.*, 147.
312 *Ibid.*, 150. The guardians of the bishopric must have been appointed before the formal notification of the voidance. (*Calendar of Fine Rolls*, 1319-27, 352.)
313 *Calendar of Patent Rolls*, 1324-27, 157.
Francis Godwin thinks the king probably refused assent to Baldok's election. *De Praesulibus Angliae Commentarius* (Cambridge, 1743) 489.
314 *Register of Reynolds*, f. 278. Cf. Apx., 120.
315 *Calendar of Patent Rolls*, 1324-27, 159.
316 *Fasti Ecclesiae Anglicanae*, II, 463.
317 *Calendar of Papal Letters*, II, 471.
318 *Calendar of Papal Letters*, II, 471.
319 Cf. *Infra*, 103.

of Orange, who wrote to the pope about it.[320] John assured them now that he had reserved the see before the voidance. To further Ayreminne's case the pope wrote to the queen, whose interest in the appointee had recently been shown, and to the bishop of Winchester whose own position should impel his best support of the provision.[321]

Edward was not satisfied, however, and in September ordered the temporalities to be occupied again.[322] During the autumn the pope sent more letters asking him to accept Ayreminne, and promising promotion for Baldok in due time.[323] The co-operation of the younger Despenser was again asked to help placate the king.[324] In spite of such efforts, the royal displeasure continued. Edward's difficulties with France had reached an acute stage, and, accusing Ayreminne of having betrayed his interests here, he summoned him to answer.[325] Besides this accusation, the new bishop was widely suspected of having intrigued for the see in dispute.[326] In April, 1326, John again wrote to the king, reminding him of Ayreminne's past services, and asking him to disregard the envious persons who were misrepresenting him.[327] The pope probably knew about the suspicion of an intrigue with the queen of France, and at the same time sent Isabella a letter which reads like a caution.[328] The archbishop of Canterbury received instructions to work for a reconciliation, and pressure was to be put upon the king to return the temporalities.[329]

In addition to his serious trouble with France, Edward's

320 *Ibid.*, 466.
321 *Ibid.*, 471.
322 *Calendar of Fine Rolls*, 1319-27, 362.
323 *Calendar of Papal Letters*, II, 474-5.
324 *Ibid.*, 475.
325 *Foedera*, II, 622: *Parliamentary Writs*, II, Pt. I, 438.
326 Bartholomew Cotton, *Historia de Episcopis Norwicensibus*, has it that Ayreminne was at the Roman court on the king's business, but forgot his charge and asked for the see.
The king, later, sent to Norwich to arrest him, but the monks hid him. (Wharton, *op. cit.*, I, 413.)
"The Monk of Malmesbury," *Vita Edwardi Secundi*, 284-5, commends Ayreminne's ability and adds that he secured the help of the king of France and the queen for his promotion. His obedience when elect of Carlisle stood him well here.
Murimuth, *Continuatio Chronicarum*, 45, says he was appointed at the prayers of the queen.
Annales Paul., 309, ". . . optinuit episcopatum Norwicensem ex collatione domini papae."
327 *Calendar of Papal Letters*, II, 477.
328 *Calendar of Papal Letters*, II, 476.
329 *Ibid.*, 479. The archbishop was forbidden to admit to churches in the bishop's gift any persons presented by the king after petition was made for restoration of the temporalities, April 23, 1326. (*Ibid.*, 477.)

authority in England itself was becoming less secure and he could ill afford to make more enemies than he already had. Yet he seems to have refused to relent towards Ayreminne. Orleton and Stratford, royal servants who had accepted provisions against his wishes, both found ultimate acceptance, but as long as Edward was free, Ayreminne did not. In spite of all the pope's urging, the king kept the temporalities from him through the summer of 1326, until the invasion of Isabella overthrew him. Then Ayreminne's fortunes changed. An entry in the Patent Rolls of December of that year, under testimony of Prince Edward, refers—with whatever truth—to acceptance by the king of the preferment of Ayreminne, and notes the mandate to deliver the temporalities, fealty having been received.[330]

In the rioting at London that autumn, Stapeldon, bishop of Exeter, was killed, and the chapter elected James de Berkeley.[331] He was connected with the royal family and had been a clerk of Edward II[332] The king had already sought papal favour for him and had secured a further addition to his considerable accumulation of benefices.[333] He was a papal chaplain, and the favour which he enjoyed in two courts resulted in his appointment to the archdeaconry of Huntingdon, vacated by a pluralist, although he himself held various prebends and canonries and was a rector.[334] But in this case even a relative of the king was instructed to resign the now incompatible rectory.[335]

Berkeley was elected on December 6, and on the twelfth the royal assent was given.[336] However, the pope had reserved the see on November 24, and although the formal notification enrolled in the archiepiscopal register is dated December 24, the government in England evidently knew something of it when, on December 18, a letter was written asking John that the right of reservation be tempered to allow the appointment of the elect.[337] The pope was reasonable, and on January 8 his

330 *Calendar of Patent Rolls*, 1324-27, 342.
In his second year as king, Edward III gave to the bishop of Norwich all the issues of the see when in the hands of his father. (*Rotuli Parliamentorum*, II, 20.)
331 *Register of Reynolds*, f. 150: *Eccles. Pet.*, File 21.
332 *Foedera*, II, 358: *Calendar of Chancery Warrants*, 509.
333 *Foedera*, II, 358, 369: *Calendar of Papal Letters*, II, 175.
334 *Calendar of Papal Letters*, II, 174. The pope disposed of some of his benefices when he was consecrated bishop. (*Ibid.*, 262.)
335 *Ibid.*, 262. Cf. *Execrabilis, Extrav.* I, Tit. III, Cap. i.
336 *Eccles. Pet.*, File 21: *Calendar of Patent Rolls*, 1324-27, 342.
337 *Register of Reynolds*, f. 152: *Foedera*, II, 648.

representative, Laudun, instructed the archbishop of Canterbury to do as he saw fit.[338] The same day Reynolds gave notification of his confirmation of the election, and the temporalities were given forthwith.[339] Nominally, Edward of Carnarvon was still king, but he had been in captivity since November 16.[340] On January 24 his son was proclaimed king, and his regnal years were reckoned as beginning the day after.[341] Strictly speaking, the appointment of Berkeley belongs to the reign of Edward II.

A change in papal policy toward the appointment of bishops is evident in this reign. When at the first vacancy, that at Worcester, 1307, Clement attempted a reservation, he may have been testing the strength of the new king. Edward was evidently sensitive about his authority, and made this the occasion to declare the claims that he proposed to maintain. Later, when he had John XXII to deal with, he found it expedient to relax somewhat, but against Clement he would seem to have carried his point. True, the principle of reservation was admitted in 1307, but only to enable the pope to save his face; Edward controlled the appointment. That the diplomatic victory was the king's is shown by the pope's abstinence from intervention in the next six appointments. In one of these, *i. e.,* Exeter, 1307-8, the elect, Walter Stapeldon, was a papal chaplain, but as his subsequent career indicates, he was highly acceptable to Edward.

The next reservation made by Clement, *i. e.,* Canterbury, almost certainly represents an arrangement with the king. To be sure, the see was reserved before the vacancy actually occurred, but the readiness with which the pope appears to have

338 *Register of Grandisson,* 7.

339 *Register of Reynolds,* ff. 149-150: *Calendar of Patent Rolls.* 1324-27, 345.

340 Tout, T. F., *Political History of England, 1216-1377* (London, 1905), 301. It is probable that he escaped for a short time.
Cf. Tout, T. F., *The Death of Edward of Carnarvon* (Manchester, 1920), 12.

341 Tout, T. F., *Political History of England, 1216-1377,* 302.
The various metropolitical orders about the enthronement of Berkeley, given in the *Register of Reynolds,* afford a good example of the procedure in such cases. (ff. 149-152 b.) These include an order to Adam de Murimuth to give up the muniments. (f. 152.) At the death of Stapeldon he had been appointed guardian of the spiritualities of the see, (f. 150), and in the voidance after Berkeley died, was re-appointed. His short register is found in the archiepiscopal register, ff. 156-7. (*Registrum discreti viri Ade Murimuthe Officialis Custodis et administratoris spiritualitatis in civitate et diocesi Exonie.*) It is printed in the *Register of John de Grandisson,* 1. This position of Murimuth is not mentioned by his biographers in the *Dictionary of National Biography* or the Rolls Edition of his chronicle.

appointed Edward's nominee, Reynolds, even though in so doing he quashed the worthy and popular appointment of Cobham, points to such an understanding. Since Cobham had incurred Edward's anger in this matter, there may have been more than his own personal dignity involved in his reported rejection of the see of Worcester.

There were ten episcopal vacancies between the accession of Edward II and the death of Clement V. Five of these were filled by men who were useful to the crown,[342] and five by men who were essentially churchmen.[343] In the case of Ely it is reported that the king tried unsuccessfully to have a royal servant elected. For this short period, then, the two main interests concerned in these appointments were the crown and the English church, and, until the Canterbury dispute in 1313, there seems to have been mutual accommodation. Here the king won, but evidently at the cost of some disapproval, and the next two vacancies were left a clear field for the chapters.

Throughout Edward's policy toward the church, his own political fortunes are reflected. In 1313 he had the support of the moderate lords who were offended by the breach of faith represented by the high-handed execution of Gaveston. However, in the summer of 1314 came the humiliation at Bannockburn, followed by continued raids by the Scots, and royal prestige suffered badly.[344] In 1316, Lancaster was in the ascendant, and conservative opinion probably favoured additional support to the king. It is not surprising, therefore, that the monks of Ely and of Winchester should elect to be bishops and barons of the realm, the royal servants John de Hothum and John de Sandale. John XXII had not yet become pope, and there was no interference from the Roman curia.

With the new pope, however, there came an assertion of papal prerogative. The king's appeal to John XXII against the election at Durham, in the autumn of 1316, was both an admission of the papal right to reserve, and a recognition of the pope as the final arbiter in such disputes, a position quite dif-

342 These were: Worcester, Walter Reynolds; Exeter, Walter Stapeldon; Bath and Wells, John de Drokensford; Canterbury, Walter Reynolds; Worcester, Walter de Maydenstan.

343 Bangor, Anian Sees; Ely, John de Keten; Durham, Richard de Kellawe; London, Gilbert de Segrave; St. Asaph, David ap Blethyn.

344 There was a general demand for reform. The Clergy in 1315 made their grant of money conditional upon the observance of the Ordinances. (Hughes, Arthur, "The Parliament of Lincoln, 1316." *Trans. Royal Hist'l Soc.* N. S., x, 44.)

ferent from the royal claim against the papal reservation of Worcester in 1307. In 1316-17, Edward was still having trouble with his barons and Lancaster. In asking for Louis de Beaumont, Edward, no doubt, intended no more than the convenient arrangement of 1313, but John XXII was more capable than Clement of capitalizing this request to his own interest, and we have, immediately afterwards, the appointment of Orleton to Hereford against the wishes of Edward. We have seen how succeeding appointments became mainly a matter of bargain between crown and papacy in which chapter election fared badly. In 1316-17, the canons of St. Paul's did elect as their bishop Richard de Newport, an English archdeacon who appears to have been without royal or papal connection, but this was the last election during the reign to be made unobstructed or without reference to outside interests. Stephen de Gravesend and William de Melton were king's clerks. Other elections, whether of men who were essentially churchmen, or of king's clerks, were opposed at the papal court. Some were superseded on papal authority. In some of these instances the king asked successfully for his own man, while in others the pope appointed as he himself wished. Edward made no attempt to keep the promise to respect free election which he gave to the clergy in 1316.[345]

One might have expected John to use his authority to give bishoprics to servants of his own, but he used his opportunities to do so only twice. Although sometimes declining to appoint at the time as Edward requested, he usually favoured eventually the servants for whom the king petitioned. This may have been partly because he did not want to see him too weak before the baronial opposition in England. Yet even Edward of Carnarvon, whatever may have been his weakness, seems at times to have asserted himself with effect. His determination won in the appointment of Melton to the see of York. Probably his protests had also a good deal to do with the later promotion of the clerks for whom he asked bishoprics. Under the authoritative John XXII the English episcopate received a larger proportion of king's servants than in the time of the weaker Clement V. John certainly increased the papal authority, but he did not exploit to the limit the unsettled condition of England. It stands to his credit that when the see of Canterbury became vacant in

345 "Articuli Clerici," *Statutes of the Realm*, I, 173.

the disturbed years of Edward III's minority, he allowed the monks to elect Simon de Mepham.[346]

It would be unfair to accuse John XXII of initiating reservations and provisions to the subversion of the inherent liberties of the English church. The king could adopt his own way of reserving and providing. In the first nine years of this reign the freedom of election was more often in jeopardy from the crown than from the papacy. Even so, in that period Edward's policy seems to have been not immoderate. But after the Lincoln Parliament of 1316 the same could not be claimed. The king then adopted a definite policy of creating an episcopal baronage favourable to himself, and whatever the merit of his nominees individually, the net result could well be prejudicial to papal authority. That the pope did not consider the internal order of the church to be endangered by the character of the king's men is shown by his later provision of them.[347] It was the authority of the apostolic see that was John's chief concern. The cathedral chapters had shown that they were not to be trusted to resist the encroachments of the king, and the alternative for the pope was to assert his own authority. It was enough that the bishops owed feudal allegiance to the king, ecclesiastical allegiance they must owe to the pope. To allow the king to control their appointment was, for the church, to lose the practical fruits of the investiture settlement. In the difficulties of Edward II and in the early years of his son, John had his opportunity, and he established securely the principle that a bishop, even though a royal servant, owed his post not to the king, but to the pope.

346 The young king wanted Henry de Berghersh, bishop of Lincoln, to get the post, and wrote to the pope about it. (*Foedera*, II, 739, 742.)
The new archbishop had heavy expenses at the apostolic see for which he was authorized to raise a loan of £2,000. (*Calendar of Papal Letters*, II, 272.)

347 Except Baldok, and he was given the promise of promotion.
Charlton was provided to Hereford in 1327.

CHAPTER III

PATRONAGE

(1) INTRODUCTORY

The right of the patron of a church to present the incumbent was an old and well established privilege dating from the later Roman Empire. The founder of a church, or the lord who set aside land for its support, might hold such an advowson as a part of his estate, and as such it passed to his heirs. Subject to regulation by the state, it could also be alienated.[1] The patron should choose a fit person and present him to the bishop, who was bound by civil law to admit him. The bishop had the right to examine the presentee in respect of letters, character, and orders.

In England, under the early Norman kings, lay patrons appear to have exercised their privilege in the spirit of independent feudal lords, and to have treated the bishop's approval as unnecessary.[2] This was the time of lay investiture, and where princes disputed the claims of the highest authorities in the church, it was to be expected that lesser lords should behave similarly towards those lower in the hierarchy. Patrons often disregarded the canonical requirements of letters and orders. This was unacceptable to the church. English church councils in 1126 and 1138 protested; clergy in minor orders were required to be ordained by their bishop or give up their benefices; clerks were forbidden to accept benefices from the hands of laymen in disregard of the bishop.[3] The new official policy of the king in regard to episcopal appointments, as represented in the concordat of 1107, no doubt discountenanced lay investiture in parish churches, and this aspect of patronage soon took an inconspicuous place beside the more vexed question of competence in advowson disputes.

This right of lay patronage was recognized in canon law and numerous regulations governed it, but, whatever its con-

1 Henry de Bracton, *De Legibus et Consuetudinibus Angliae,* Introduction, IV, viii.
2 *Ibid.,* xii-xiv.
3 Henry de Bracton, *op. cit.,* Introd., II, xiv: Wilkins, *Concilia,* I, 408, 417.

nection with temporal holdings, the church considered it to be a matter of ecclesiastical jurisdiction. The kings of England likewise claimed to have cognizance, and the legal status of patronage in that country thus remained the subject of long controversy between secular and ecclesiastical authorities.

For the beginning of secular cognizance in patronage cases in England, authentic records are lacking. In the time of Stephen, it would appear, they might be taken to the ecclesiastical court as well as to the court civil and some are reported to have been appealed to Rome itself.[4] But the confusion of that reign was such that legal practice then could hardly be regarded as indication of normal usage.[5] Henry de Glanville, in his treatise on the laws of Henry II, is clear that then, at least, suits of advowson belonged to the king's court.[6] Whatever uncertainty there may have been before the Angevin period, the policy of Henry II was quite definite; patronage cases should be heard in the royal courts.[7] This Henry steadily maintained against all the pressure put upon him by the church. At Avranches he renounced most of what he had claimed in the Constitutions of Clarendon to be English usage, but he insisted on this point with a tenacity which suggests an especially strong case.

In this reverse which Henry incurred through the death of Becket, he was able to save for himself his jurisdiction over advowsons, but only with difficulty. Since at this time patronage suits were of secular cognizance in England and Normandy alone of European states,[8] the pope might well expect ultimate success. The pope who withstood Frederick I could well hold his ground here against Henry and write confidently that patronage cases were so closely related to spiritual matters that they could be settled only by spiritual courts.[9] The importance

4 Makower, F., *Constitutional History of the Church of England,* 435.
Bigelow, M. M., *Placita Anglo-Normannica,* 174, note.

5 A reminder of the illegalities committed in this period survives in the writs of *Darrein presentement, Qua re non permittit,* and *Qua re non admisit,* in the time of Henry II, writs which referred to privileges enjoyed in time of peace. The form persisted under Henry III.
"*Quis advocatus tempore pacis presentavit ultimam personam qua mortua est ad medietatem ecclesie de . . .*" (*Curia Regis Roll, K. B.* 26/71, m. 6. Cf. *Ibid.,* m. 11.) It is still found in the time of Edward II.
(*Common Pleas, C. P.* 40/250, m. 14. Cf. Apx., 122.)

6 *De Legibus et Consuetudinibus Regni Angliae,* Lib. IV, *De Advocationibus Ecclesiarum.*

7 *Constitutions of Clarendon,* Art. I.
Bigelow, M. M., *op. cit.,* 245.

8 Fournier, P., *Les officialités au moyen âge,* (Paris, 1880), 83.
Cf. Haskins, C. H., *Norman Institutions,* (Cambridge, Mass., 1918), 172.

9 *Corpus Iuris, Greg. IX,* Lib. II, Tit. I, Cap. iii.

of the situation in England to this whole question is attested by the fact that about one half of the rulings *De iure patronatus* in the Gregorian code were addressed to English prelates.[10]

Despite the objections of the church, however, the crown made good its claim, and in the earliest series of Curia Regis Rolls which we have, *i. e.,* those of Richard I and John, there are plenty of cases of this kind.[11] In the reign of the former, according to Madox, the bishop of Durham was fined five hundred marks for holding a plea of advowson in a church court.[12] We even have suits in the king's court in which prelates were the opposing parties.[13] So long as the king was strong, the security of his claim here is no surprise, but when John came to need papal support against his opponents, this could be expected to become a factor in his negotiations with the church.

Such indeed is what actually took place. Innocent III could be depended upon to seize an opportunity to make good the claims of the church. To secure his peace with him, John had to make present restitution to the English church for his violence towards it, and to agree that if he was again guilty of oppression he should lose permanently his custody of vacant churches. He further pledged to the pope all his right of patronage as security for good behaviour.[14] Thus, John came very near to surrendering the right to which his father had held in his own reverse. Innocent may well have considered that sooner or later the self-willed king would give him his opportunity to claim those royal rights of patronage as prelude to the jurisdiction sought, and that therefore a complete surrender need not be insisted on at the moment. Quite probably also, John, never noted for fulfilment of promises, regarded the terms as easy to evade when it should suit him.

It is unlikely that this agreement altered judicial practice. The Curia Regis Rolls of Henry III's minority show that the usual pleas concerning advowson were heard in the royal court; *Darrein presentement, Quod permittat presentare,*

10 *Ibid.*, Lib. III, Tit. XXXVIII.
11 Record Commission, *Rotuli Curiae Regis,* 6 *Ric. I.-John*: *Curia Regis Rolls, I-IV,* 7 *Ric. I.-John.*
12 *History of the Exchequer,* 72.
13 Pollock, Sir Frederick, and Maitland, F. W., *History of English Law,* (Cambridge, 1911), I, 126.
Selden Society, *Select Civil Pleas,* I, 245.
14 *Foedera,* I, 111.

Quare non admisit, Quare impedit, and their variants—all are represented. Not only were there cases in which the laity and clergy opposed one another, but suits in which both parties were clerical.[15] In fact, the court had many times the number of advowson cases which one finds in the King's Bench Rolls of the first part of Edward II's reign, and for a few years they show a considerable increase over the number tried under Richard I and John. But in spite of this large number there is a marked absence of prosecutions for holding advowson pleas in ecclesiastical courts. This is worthy of note, because such prosecutions were of frequent occurrence under the Edwards when relatively fewer patronage suits were heard at all. There appears to have been occasion enough for secular authority to insist on its jurisdiction. Some of these early Curia Regis Rolls of Henry III contain on every membrane actions against men who, counter to royal prohibition, had pursued in courts Christian, suits of lay fee or of chattels not testamentary. The number at first is considerably in excess of later years. Clerical influence was strong in the minority of Henry III and one wonders if a contest of jurisdiction was in progress. Actions on prohibitions became much fewer as his reign advanced.

Towards the middle of the thirteenth century another factor accentuated the patronage dispute. The centralizing policy of the popes, and their increasing need of money, led to a rapid extension of papal provisions.[16] Ecclesiastical livings abroad offered a ready means of providing for the very large group of papal officials who had to be paid, and the demands so made bore heavily upon the church in England.[17] This became a considerable grievance. The anti-papal Matthew Paris was especially outspoken in denunciation of the frequent demands for money and benefices.[18] His vehemence might seriously discount his statements were it not for record evidence showing that many abuses attended the practice and that resentment was widespread.

15 *Curia Regis, K. B.*, 26/70 b., m. 4.
The Abbot of Eynsham *vs* a clerk.

16 This subject has been given comprehensive treatment in Geoffrey Barraclough's able study, *Papal Provisions,* (Oxford, 1935.)

17 The church of St. Mary's, York, had twelve clerks of the Roman court provided to it. A papal letter represents the house as reduced to poverty thereby, and permits the convent to convert a church to its own use. (*Calendar of Papal Letters,* I, 221.) Special indults were often given granting immunity from papal provisions, Cf., *Calendar of Papal Letters,* I, 168. These, however, were no guarantee, as Grosseteste discovered. (*Letters of Bishop Grosseteste,* Preface, lxxix.)

18 *Chronica Majora,* III, IV.

Such evidence is to be met in the papal records themselves. An entry in the Calendar of Papal Letters, under the year 1232, notes that the archbishop of York and the bishops of Coventry and Durham were instructed to counteract a current scandal in this connection. Apparently, executors of papal provisions made to clerks had been suspending prelates from regular collation to benefices, and had even been granting churches without the consent of lay patrons. This was to cease unless especially authorized by papal mandate, and the archbishop of York and the two bishops were to publish the present order.[19]

This was in 1232, but evidently Englishmen still believed that the threat to lay rights of patronage continued. In 1244 the pope saw fit to assure the king that no invasion of such rights was intended.[20] It is far from certain that even this gave complete reassurance, for a letter from the English laity, supposed to be of the year following, represents the situation as highly unsatisfactory.[21] This letter, taken from Matthew Paris's *History,* began with the usual protestations of devotion to the church, and then went on to make its complaint against provisions. It first appealed to the principle of trust—the approach adopted in later protests of the kind—and pointed out that religious endowment had been given for worship and alms, purposes both of which were being defeated by the appointment of alien clerks to the livings. Furthermore, it was claimed, the legate, Martin, was exercising unheard-of powers in the exaction of pensions and the penalties that he was imposing on recusants, while in his reservations he was disregarding the rights of lay patrons. Whatever the truth of these allegations, Innocent must have concluded that further assurance to such patrons was needed, and in August 1245, issued a bull promising them security.[21a]

In the English church, similarly, there was restiveness which found expression in the protest of the bishops of the province of Canterbury in 1246. This also referred to the strong feeling against the practices complained of.[22] In the next year Innocent gave a mandate to the archbishops and

19 *Calendar of Papal Letters,* I, 130.
20 *Foedera,* I, 256.
21 *Ibid.,* 262.
21a *Foedera,* I, 262.
22 Wilkins, *Concilia,* I, 694.

bishops to explain the needs of the church to the Italian clerks holding English benefices or pensions, and to induce them to give up a generous part of their income.[23]

Among churchmen, Grosseteste, bishop of Lincoln, was the outstanding critic of the system of provisions. In a letter to the legate Otto, in 1238, he discussed the threat to lay patronage, but made the famous admission that the pope had the power to dispose of all ecclesiastical benefices.[24] So long as he accepted that view of papal prerogative, the distinction that he made between "use" and "abuse" did not carry him very far. He entered another protest when on his second visit to Lyons. This time his trenchant attack on the rapacity of the Roman court brought upon him the anger of the pope.[25] Again, in 1253, he put himself in direct opposition to the papacy by his refusal to accept Innocent's nominee for a benefice in his diocese. This time he followed his profession of respect and obedience by the definite refusal to induct.[26]

Through this controversy, Henry III held to no steady policy, and protest and acquiescence alternated. At times the general dissatisfaction did stiffen his own resistance, and he could refuse papal claims. Even in doing so, however, he had regard for the disfavour of the pope. An illustration of this is found in the Patent Rolls for the year 1246. There, Amadeus, son of the count of La Marche, was told that although the pope had ordered for him a provision of one hundred marks in rent, the king could not allow it, because such provisions were hated in the realm and this might occasion more tumult. Therefore, he would give Amadeus rents of equal value of his own gift so soon as opportunity offered.[27]

A more forceful way of restricting provisions and asserting the authority of the state, was to forbid the appeal outside the country of disputed cases of which the king's court had cognizance. At this time, however, the king's right to forbid this was not well established. There was an indult of the

23 *Calendar of Papal Letters*, I, 235.
Those holding benefices worth 100 marks or less, should give 1/4; if their benefices were worth more, they should give 1/2. A similar letter was sent to other countries.
24 *Letters of Bishop Grosseteste*, No. 49, 145.
25 *Ibid.*, Preface, lxxii.
26 *Ibid.*, No. 128, 432.
27 *Calendar of Patent Rolls*, 1232-47, 482.

pope that Englishmen should not be summoned by papal letters to judgment outside the realm,[28] and a bull of Innocent IV promised that none should be so cited *contra privilegium domino Regi indultum.*[29] How early the king applied this to appeals of patronage suits and ordered writs of prohibition on the strength of it, has probably not been determined. The Close Rolls for the year 1244 give an instance of its application then to an advowson case.[30] Here the king reminded the archbishop of Armagh that suits of land or advowson of churches concerned the royal dignity, and that there was a privilege accorded by the apostolic see that such should not be drawn outside the realm.

The general situation would seem to have convinced Innocent that some relaxation was desirable. In 1253 he sent a letter to the English bishops offering some redress. It had been said that the church in England was burdened with alien provisions to the extent of 50,000 marks. He therefore planned to reduce this to 8,000 marks, and to require residence and proper ordination of those so provided. He declared that for some years he had ceased to give benefices in England, and now he gave the prelates faculty to carry out the reduction here proposed.[31]

Under Edward I advowson disputes continued to be important. The king's court remained the tribunal for such cases, but although prohibitions against holding in courts Christian pleas of lay fee or of chattels not testamentary recurred fairly often, prohibitions against suits of patronage were not common. One wonders why this was. There was a considerably higher proportion of such prohibitions in the last years of Edward II, for which the general reform in the administration at that time would hardly account entirely. Assessment of one reign falls short of completeness without detailed knowledge of the problems in the reign which it succeeded. In an introductory sketch of this kind, little more can be attempted than to indicate the continuity of certain problems, and note variations which may reward further investigation.

28 Public Record Office, *Diplomatic Documents,* 228.
29 *Red Book of the Exchequer,* III 1045.
30 *Close Rolls,* 1242-7, 255-6.
According to Matthew Paris, the king made a further stand against provisions by forbidding anyone to bring into England papal letters granting them. Makower, F., *Constitutional History of the Church of England,* 237.
31 *Calendar of Papal Letters,* I, 286: *Foedera,* I, 281.

(2) THE "DROIT DE REGALE"

An important element in the operation of lay patronage was the *droit de régale.*[32] By treating bishoprics as baronies, William I had been able to claim from them dues similar to those claimed by the feudal lord when a *tenant-in-capite* died. In the case of bishoprics and religious houses there was no wardship of minor or heiress to allow the king to administer the estates,[33] but instead there was the "widowhood." And closely analogous to the king's claim to this administration of the temporalities of the ecclesiastical barony as feudal lord, was his claim to present to ecclesiastical benefices as patron. Just as a local lord was entitled to present to a vacant benefice because he was heir to its founder and patron, so the king could regard himself as holding similar relationship to bishoprics and religious houses holding land *in capite.* His right to name the bishop was never admitted after the Conquest, but he did establish the claim to present to lesser dignities and benefices which became vacant while the see itself was void. The right to administer the temporalities was the *droit de régale temporelle,* while the right to present to vacant livings was the *droit de régale spirituelle.*[34]

Apparently the church had been reluctant to recognize the *droit de régale spirituelle.* In France, Louis VII drew up various ordinances to govern its operation, and left to his son Philip Augustus precedent enough to establish the usage. He, however, while claiming the right, several times refrained from using it.[35] In exercising it at Auxerre he was resisted by the clergy who were supported by Innocent III. Professor Mollat considers that this pope, by his constitution *Nequaquam,* denied to the king collation by *droit de régale,* but he concludes that none the less, the habitual use dates from Philip Augustus or slightly before.[36]

The beginning of the *droit de régale* in England is not definitely known. Madox cites Vitalis to the effect that in Saxon times bishops had custody of religious houses when va-

32 This has already been referred to at presentation by the king to benefices *sede vacante.*

33 Cf. *K. B.,* 27/264, *Rex,* m. 11, Apx., 123.
The king claimed an advowson because of his wardship of young Guy of Warwick.

34 Mollat, G., "L'application du droit de régale spirituelle en France du xiie au xive siècle." *Rev. de l'histoire ecclésiastique,* Jul.-Oct., 1929, 425 ff.

35 Mollat, G., *op. cit.,* 428.

36 *Ibid.,* 429, 433, 435.

cant, and similarly, archbishops vis-à-vis vacant dioceses. Vitalis would ascribe the change to William II.[37] Madox traces the custom in the time of Stephen, and considers Henry II to have been justified in his claim that this was an old custom of the realm. Article XII of the Constitutions of Clarendon declared that the king should have the returns and issues of vacant dioceses and religious houses, but nothing was said about appointment to benefices. To this article Henry adhered.[38]

Through the thirteenth century the kings of England maintained the right, and regularly presented to livings falling vacant when the see was void. Whatever the popes thought of the practice, there seems to have been no serious attempt to challenge it directly. But they could find other ways of checking it.

One way was by interpretation of the laws of pluralism. In 1239, an appeal over an English rectory was taken to the apostolic see by one Simon, a papal chaplain and subdean. He complained that the archdeacon of Norfolk, by first avoiding the incompatible archdeaconry and thus escaping pluralism, had got the rectory that he himself desired. The king, considering the archdeacon to be guilty of pluralism, had presented Simon, the see of Norwich being void. Simon claimed definitely that the king had this right to present. Nothing of this appeared in the verdict, however, where it was held that the archdeacon was guilty of pluralism and therefore should forfeit the archdeaconry. The pope allowed him to keep the rectory to which the king had presented Simon.[39]

Another and much commoner device to offset the *droit de régale spirituelle* was by reservation of benefices. Although this was already in practice in the early thirteenth century, the first general reservation was made in 1265 by the bull *Licet Ecclesiarum.*[40] This gave to the pope collation to the benefices of clerks dying at the Roman court. A relaxation under Gregory X was superseded by a more vigorous and extensive application by Boniface VIII. By his bull *Ausculta Fili* this pope

37 *History of the Exchequer*, 207.
Cf. Boehmer, H., *Kirche und Staat in England und in der Normandie im xi und xii Jahrhundert* (Leipsig, 1899.), 147.
He says it began in Germany in the time of Henry V.

38 Maitland, F. W., *Collected Papers*, (Cambridge, 1911), III, 115-118. "An Unpublished 'Revocatio' of Henry II."

39 *Calendar of Papal Letters*, I, 179.

40 Mollat, G., *La collation des bénéfices ecclésiastiques sous les papes de'Avignon* (Paris, 1921), 24.

claimed supreme authority over all benefices.[41] There is no need here to trace each step in the development of this practice; suffice it to say that occasional relaxations were succeeded by more extensive claims, and Clement V, at length, reserved for his own appointment the benefices of cardinals, nuncios, chaplains, and all papal officials, together with those of anyone consecrated at the holy see or who vacated a benefice by resignation or transfer made there.[42]

As was to be expected, *droit de régale* and papal reservation often led to clashes. Of those occurring in France Professor Mollat has given several examples.[43] Professors Leadam and Baldwin have some instructive illustrations of English attitudes.[44] Evidently the papacy met considerable opposition in England to the provisions it attempted.[45] A gloss on *Licet Ecclesiarum* refers to papal negotiations with the king of England as well as the king of France, negotiations in which it was claimed that before this bull had been promulgated the king had had peaceful collation to prebends *sede vacante,* but not since. The cardinal who made the gloss added *cum haec constitutio consuetudinem seu ius istorum non tangat expresse, videtur remanere intactum.*[46]

The English Justinian was capable of asserting his claims to present, whatever they might be. A papal official who excommunicated the king's appointee to a provided living, he imprisoned.[47] Unfortunately, it is not stated in the Calendar of Papal Letters on what grounds Edward presented his own man. In the year 1290, we find him protesting to Nicholas IV against the abuses of papal provisions.[48] In this he had the support of a number of English magnates, who likewise addressed a remonstrance to the pope.[49] No infringement of royal rights or lay patronage was specifically alleged, beyond the general phraseology of the king, *in nostram et haeredum nostrorum exhaered-*

41 Mollat, G., L'application du droit de régale spirituelle en France du xiie au xive siècle.'' *Rev. de l'hist. eccl.*, 1929, 437.
42 Mollat, G., *La collation des bénéfices ecclésiastiques sous les papes d'Avignon*, 27. Cf. The appointment of Maydenstan to Worcester after Reynolds had been transferred to Canterbury, 1313. *Supra,* 20.
43 *L'application du droit de régale,* 434, ff.
44 *Select Cases before the King's Council* (Cambridge, 1918), Introd., lviii-lx.
45 A papal letter refers to the ''fictions and cavils'' so common in England. (*Calendar of Papal Letters,* I, 581.)
46 Mollat, G., *L'application du droit de régale,* 435.
47 *Calendar of Papal Letters,* I, 493.
48 *Foedera,* I, 740.
49 *Ibid.*

ationem manifestam. The complaint was, rather, that such alienations tended to become permanent, and were a misappropriation of the resources of the church.[50] The papal reply yielded no ground.[51] In the last years of his reign, the king's attitude hardened and he presently made test cases.[52] When, in difficulties, he attempted to appease the pope by allowing him the custody of the temporalities of Canterbury for three years, he made it clear that this was an exceptional favour.[53]

Edward II came to the throne at a time of considerable friction between England and the papacy. Edward I and Boniface VIII had been in conflict on several issues, some of which concerned the king more than the English people. But there were two papal practices which the *communitas* regarded as its own grievances, on which it was disposed for action quite as drastic as the king would allow. These were papal taxes and papal provisions. Discussion of the former cannot be undertaken in this essay. One can observe, in passing, that repeated demands by the pope for various levies, combined with innovations in their collection, created general annoyance. Along with this were the common papal provisions to benefices. That the clerks so appointed were, in many cases, absentee, offended religious people; the frequency with which such posts went to aliens caused irritation; while the possible threat to lay rights of patronage gave special concern to English patrons. The general resentment took definite expression in the protest of the Carlisle Parliament in 1307, and it was evident that if Edward of Carnarvon cared to oppose these practices of the pope, he could rely on wide support.

50 The fulfilment of Charitable Trusts had already been the subject of legislation. Cf. *Statute of Westminster II,* Cap. xli.

51 Leadam, I. S., and Baldwin, J. F., *Select Cases before the King's Council* (Cambridge, 1918), Introd., lix-lxii.

52 *Ibid.* Cf. *Infra.* The two York appointments.

53 Stubbs, W., *Chronicles of Edward I and Edward II* (Rolls Series), Introd., cix. In giving this to the pope, Edward asked that his physician, Nicholas de Tyngewyk, be allowed to keep the benefice to which he had already presented him. (*Foedera,* I, 999-1000.)

CHAPTER IV

DISPUTED CASES OF PATRONAGE

In the matter of appointments by the pope, Edward II inherited in two specific cases a conflict between the *droit de régale* and the claim to provide. These concerned the prebend of Stillington in York, and the treasurership of St. Peter's, York. The first involved the normal exercise of the *droit de régale, i. e.,* presentation at the time to a benefice vacant when the see was vacant. The second represented an extension recently claimed by the king, *i. e.,* delayed presentation to a benefice to which he would have been entitled to present because of a simultaneous voidance with the see.

Archbishop Newark of York had died in 1299 and Edward I granted the prebend of Stillington and the chapel of St. Mary's to John Bush. About the same time, Boniface VIII gave this prebend to his relative, Francis Gaytano, because it was vacant *apud sedem.* Edward could neither induce the pope to favour John Bush, nor persuade the archbishop to induct him. He therefore seized the archiepiscopal temporalities for contempt, and after the death of the successor of Newark, Archbishop Corbridge, he renewed legal processes against the dean and chapter, who eventually admitted John Bush to the chapel but not to the prebend.[1]

The suit was continued by Edward II, who, in November, 1307, forbade Bush to leave the country in answer to any citations.[2] He followed this up by letters to the pope and cardinals, insisting on his claim, and at the same time he told the cardinal, Francis Gaytano, to have his nephew end his litigation.[3] The citations continued, however,[4] and were answered by royal prohibitions.[5] Bush was to be arrested if he tried to leave because of any such summons.[6] In January, 1311, the

1 Leadam, I. S., and Baldwin, J. F., *op. cit.,* Introd, lx.: *Foedera,* I, 1011. Cf. Deeley, Ann, "Papal Provisions and Royal Rights of Patronage in the Early Fourteenth Century," *English Historical Review,* 43 (1928), 505 ff. Cf. *Calendar of Close Rolls,* 1302-07, 477, 532.
2 *Calendar of Close Rolls,* 1307-13. p. 45.
3 *Foedera,* II, 20-24.
4 *Calendar of Papal Letters,* II, 73.
5 *Calendar of Chancery Warrants,* 335-7: *Calendar of Patent Rolls,* 1307-13, 306.
6 *Calendar of Close Rolls,* 1307-13, 340.

king appointed John de Hothum to the prebend "because of the late voidance of the see,"[7] He, too, soon became involved in litigation over the benefice, the nature of which appears from a letter of John Bush appearing among Ancient Petitions. It makes an interesting commentary on the case which is not very creditable to Edward. Here it would appear that Bush disputed the appointment of Hothum and got judgment in the Roman court. The king, however, had persuaded him not to follow up the judgment but to make way for his new appointee, promising him another benefice in compensation for his expenses. Bush now complained that these had amounted to £1,000, and that he had received nothing.[8] John de Hothum remained in possession till his appointment to the see of Ely in 1316,[9] and then the king presented Thomas Charlton, York being vacant.[10] John Bush continued to be recognized as in possession of the chapel in 1316.[11]

The case of the treasurership of York was different.[12] In 1296, Boniface had deprived John de Calonna, the treasurer and appointed Theobald de Bar. On his promotion to the see of Liège in 1303, the pope provided as his successor, Francis Gaytano, nephew of the cardinal of St. Mary's in Cosmedin.[13] Three years later Edward attacked this provision on the ground that the deprivation had occurred when the see was void and ordered the archbishop to admit Walter de Bedewynde.[14] The case was taken before the King's Council and the representative of Gaytano petitioned that the appointment had been made canonically, it had been recognized by the king for three years, and there had been no delinquency.[15] The canonical practice was that a patron who neglected to present within six months of the vacancy, lost his privilege for that turn.[16] Here, however,

7 *Calendar of Patent Rolls,* 1307-13, 337.

8 *Calendar of Papal Letters,* II, p. 110. Cf. Apx., 124.
Anc. Pet., 95/4731. This seems a large sum of money. According to the *Taxatio Ecclesiastica Angliae et Walliae,* of Nicholas IV, 321 b., this prebend was then worth only £13-6-8.
Bush was given the prebend of Kentish Town, 1318, which the king had recovered. (*Calendar of Patent Rolls,* 1317-21, 165: *K. B.,* 27/238, m. 3d.)

9 *Calendar of Patent Rolls,* 1313-7, 517.

10 *Ibid.,* 524.

11 *Ibid.,* 379.

12 It has been set out in detail in *Select Cases before the King's Council,* Introd., lxi-lxiii.

13 *Calendar of Papal Letters,* II, 611.

14 Leadam, I. S., and Baldwin, J. F., *op. cit.,* Introd., lxi.

15 *Ibid.,* 19-20.

16 *Corpus Iuris, Greg. IX,* Lib. III, Tit. XXXVIII, Cap. xii.
Also *Statutes of the Realm.* I, 226.

an exception was claimed in favour of the king. Despite canonical usage, the dean and chapter agreed to the royal claims, and repudiated their earlier acceptance of Theobald de Bar.[17] The court gave Edward the verdict, but the end was not yet.

Both sides regarded this as a test case, and the efforts of the crown to establish a precedent were equalled by those of the papacy to defend its appointment.[18] The verdict of the king's court was answered by a papal summons of the man who had "despoiled" Francis Gaytano.[19] Such citations were met by royal prohibitions.[20] John XXII took up the cause on his accession. He confirmed Gaytano in his various benefices, mentioning separately his treasurership of York,[21] and he directed the bishop of London and the archdeacons of Middlesex and Cleveland to protect him.[22] But Edward continued to recognize Bedewynde as the treasurer.[23] The persistence of the opposition that the king had to combat is illustrated in the King's Bench Rolls and by repeated prohibitions as late as 1325.[24] It appears, however, that although Edward managed to keep his man in possession, he did not prevent the papal court from hearing the case several times.[25] Bedewynde died, *pedente lite*.[26] The dispute dragged on for years and finally ended in a compromise whereby the pope granted the post to the king's nominee in 1350.[27]

From the first years of his reign Edward II adopted the policy of extending the retroactive operation of the *droit de régale*. Without awaiting the outcome of this obstinate contest, he took an early opportunity to make other presentations of similar kind. In 1307 he presented to the church of Patring-

17 Leadam, I. S., and Baldwin, J. F., *op. cit.*, 24-5.
18 *Ibid.*, Introd., lxii.
19 *Calendar of Papal Letters*, II, 28.
20 *Ibid.*, 73: *Calendar of Chancery Warrants*, 335-7: *Calendar of Patent Rolls*, 1307-13, 306.
It is of interest that Bedewynde received dispensation as a pluralist as "treasurer of St. Peter's, York," 1309. (*Calendar of Papal Letters*, II, 62.)
21 *Calendar of Papal Letters*, II, 133.
22 *Ibid.*, 135.
23 Cf. the *Patent Rolls* of the reign: also *Coram Rege Rolls, K. B.*, 27/238, m. 15 d.: 242, *Rex*, 10 d: 246, *Rex*, 4d: 250, *Rex*, 11d: 264, *Rex*, 21d: 265, *Rex*, 27d: also, *Lord Treasurer's Remembrancer*, 4 *Ed. II, Mem. Rot. Com. Trin.*, *m.* 4d., *E* 368/81.
A letter of Cardinal Luke of St. Mary's in Via Lata, on behalf of Gaytano. (*Anc. Cor.*, 33/90.)
24 *Calendar of Patent Rolls*, 1324-7, 151.
25 *Calendar of Papal Letters*, II, 316.
26 *Ibid.*, 344.
27 *Ibid.*, III, 420:
Leadam, I. S., and Baldwin, J. F., *op. cit.*, Introd., lxiii.

ton, "in the king's gift by reason of the provostship of St. John's, Beverley, lately void, having been in the hands of the late king by reason of the voidance of the archbishopric of York."[28] The prebend of the altar of St. Michael in the church of St. John, Beverley, was also granted "by reason of the late voidance of the see of York."[29] These two appointments seem to have gone uncontested.

Opposition to this policy was to come, however. In March, 1309, the king collated his clerk Thomas de Lugore, to a prebend of the church of Salisbury, claiming the advowson because the see was lately void.[30] The last vacancy was in 1297-8, so that Edward was here asserting a claim after an even longer delay than his father had allowed. The bishop, Simon of Ghent, refused to admit, and was summoned for contempt.[31] This was in the Michaelmas term, 1309. The case was heard towards the end of November. The bishop's attorney contended that the king could have no collation of benefices vacant in the time of his father, and the court decided that this contention was true.[32] Edward revoked his grant, ostensibly because he was advised that the occupant was still living.[33] But the presence of Francis Gaytano had deterred neither father nor son from insisting on presenting to the York treasurership, and one concludes that convenience and not consistency was really the king's policy here.

This restriction of the court upon the royal prerogative causes some perplexity. The "Statute," *De Praerogativa Regis* appears in the *Statutes of the Realm* as of uncertain date.[34] F. W. Maitland believes it to belong to the early years of Edward I's reign.[35] He considers this to be no statute at all, but a legal tract, and his argument in support of this opinion is impressive.[36] He does not consider the question of patronage, and in this respect *De Praerogativa* seems to be in closer accord

28 *Calendar of Patent Rolls*, 1307-13, 8.
29 *Ibid.*, 143.
30 *Ibid.*, 101.
31 *Calendar of Chancery Warrants*, 302-3: *K. B.*, 27/198, m. 9.
32 *K. B.*, 27/198, m. 53. Given at length in the Appendix, 124. A part of the hearing appears in *Placitorum Abbreviatio*, 309.
33 *Calendar of Patent Rolls*, 1307-13, 223.
Philip the Fair complained to Edward that Lugore was displacing Matthew Caraczola, apostolic notary and a clerk of his own, who had served him well at the apostolic see and against the Templars. (*Anc. Cor.*, 34/11.)
34 I, 226.
35 *History of English Law*, I, 339, 481.
36 *Collected Papers*, II, 182, ff.

with the practice under Edward II than with that in the time of his father.

The king's "Prerogative" was his right to present to a benefice under a special privilege not enjoyed by lay patrons in general. Ordinarily a patron could not recover presentation within six months of voidance, in case of plenarty, while to recover at all he must purchase his writ within six months.[37] *De Praerogativa* made a distinct exception to this when the crown was involved. It represented that no time should prejudice the king, who might recover presentation after a lapse of six months.[38] But the condition attached creates an uncertainty, *dum presentaverit infra (predictum) tempus sex mensium.* Does this mean within six months of voidance or of recovery? If it is the first, that the king, to have legal action at all, must have tried to present within six months of voidance, the privilege means only that he could delay the initiation of legal proceedings when challenged. Assuming that Maitland is right in the date he assigns to the document, this interpretation would help explain why Edward I made no earlier attempts at retroactive application of the *droit de régale,* for he may have fulfilled the preliminary condition but seldom. It might also help account for the court's decision in the particular case of the Salisbury prebend. But if the document means that the king need not attempt presentation at the time, that the right to present could be sought after a long delay, and that it should be valid provided he presented within six months after recovery, the royal gain is considerable. Such an interpretation would give the king good ground for presentations after long lapses, but would leave unexplained the failure of Edward I to avail himself of the privilege at an earlier date. The second meaning seems the more probable, and that suggests that the question of the date of the instrument could be re-opened. The uncertain hypotheses make definite deductions hazardous, but in any attempt at assessment of Edward II's ecclesiastical policy, this question should be recognized.

Apart from Edward's inherited quarrels at York, this pre-

37 *Statute of Westminster,* II, Cap. V.

38 "Of Churches being vacant, the Advowsons whereof belong to the King, and other present to the same, whereupon debate ariseth between the King and the other: If the King by Award of the Court do recover his Presentation, though it be after the lapse of Six Months from the Time of Avoidance, no Time shall prejudice him, so that he present within the space of Six Months." (*Statutes of the Realm,* I, 226.)

sentation to the Salisbury prebend was the first attempt at retroactive application of the *droit de régale* to result in litigation in England. Another presentation, made on similar grounds and almost at the same time, involved the king in a more prolonged dispute, which owed its persistence to the participation of the Roman court.

This was the appointment of John de Sandale to the archdeaconry of Richmond, April 25, 1309.[39] This post had been occupied by Cardinal Francis Gaytano, uncle of the claimant to the treasurership of St. Peter's.[40] He had been archdeacon since 1301, at least,[41] and had been so recognized by Edward himself in 1308.[42] Now, in the year following, the king gave the archdeaconry to his servant, and immediately afterwards issued his prohibition forbidding the cardinal's proctor to dispute the appointment.[43] Sheriffs were ordered to arrest any who attempted to impede the presentation,[44] and John de Sandale himself was forbidden to appear outside the realm in answer to any summons. The Constable of Dover was told to arrest him if he tried to leave.[45] Again papal citations and royal prohibitions were issued.[46] Edward was avowedly acting on the two precedents of his father, *i. e.*, the cases of the prebend of Stillington and of the treasurership of St. Peter's, York. In September, 1309, he ordered a search of the rolls of Chancery of the reign of his father and those of his own two years as king, for "letters made to save the right of the Crown on behalf of Walter de Bedewynde and John Bush." Such letters, or better, were to be made for John de Sandale.[47] A cardinal who was also a relative of the pope, was hard to resist, however, and in less than a year Edward revoked his grant.[48]

Vacancies in York benefices which had occurred during earlier voidances of the see furnished Edward with still other occasions for attempting a retroactive application of *droit de régale*. In June of 1309 he presented his clerk, William de Melton, to the prebend of Suth Cave.[49] Apparently in anticipa-

39 *Calendar of Patent Rolls*, 1307-13, 111.
40 *Foedera*, II, 21.
41 *Calendar of Papal Letters*, I, 596.
42 *Calendar of Patent Rolls*, 1307-13, 141.
43 *Ibid.*, 111: *Calendar of Close Rolls*, 1307-13, 173-4.
44 *Ibid.*
45 *Ibid.*
46 *Ibid.*, 244: *Calendar of Patent Rolls*, 1307-13, 176: *Calendar of Papal Letters*, II, 53-4: *Foedera*, II, 96.
47 *Calendar of Chancery Warrants*, 296-7.
48 *Calendar of Close Rolls*, 1307-13, 252.
49 *Calendar of Patent Rolls*, 1307-13, 117.

tion of some opposition, the king gave prohibition against interference.[50] That autumn he brought against Cardinal Neapolio a suit of *quod permittat presentare,* and the writ referred to an earlier recovery by the king of the presentation to this benefice.[51] It is not quite clear what happened with this prebend. Cardinal Neapolio had held it in 1305,[52] and presumably he is the same man who appeared as the prebendary in 1314 and 1315, and was so recognized by the king.[53] In 1316 Edward gave it to Richard de Ayreminne because of the voidance of the archbishopric of York,[54] yet in the year following the cardinal again received royal recognition as occupier of the benefice.[55] Le Neve says nothing of him,[56] but the cardinal's claim on it seems to have survived, for he was granted special immunities from taxation on this prebend by Edward III, 1332.[57]

In August, 1309, Edward presented John de Nassington to the prebend of Suthneubald in the church of St. Peter, York,[58] and in the months following, gave the usual orders against interference or citations.[59] William de Prato, who was a financial agent of the Roman court in England in 1308-10, was the incumbent recognized by the pope.[60] Clement had given him a canonry and prebend of York, void by the promotion of the occupant to the see of Lyons, and this, no doubt, is the prebend of Suthneubald mentioned by name later.[61] The appointment of William de Prato by the pope antedated Edward's collation of Nassington, and we find William arrested by the king's officers for impeding the royal presentee.[62] Edward ordered his release, however, and said he should not be arrested till he himself was satisfied of the cause.[63] In 1312, De Prato resigned the prebend, and at the request of Cardinal Bertrand of SS. John and Paul, Clement gave it to Robert de Pinchebek.[64] This man

50 *Ibid.*, 176-7.
51 *K. B.*, 27/198, m. 9d., 10d.
52 *Calendar of Patent Rolls,* 1301-07, 377, 393.
53 *Calendar of Patent Rolls,* 1313-17, 82, 255.
54 *Ibid.*, 555.
55 *Ibid.*, 631.
56 *Fasti Ecclesiae Anglicanae* (Oxford, 1854) III, 211.
57 *Foedera,* II, 872.
58 *Calendar of Patent Rolls,* 1307-13, 183.
59 *Ibid.*, 206, 291, 306: *Calendar of Close Rolls,* 1307-13, 215, 292.
60 *Calendar of Papal Letters,* II, 48, 58, 77.
61 *Ibid.*, 66, 97.
62 *Calendar of Close Rolls,* 1307-13, 215.
63 *Ibid.*
64 *Calendar of Papal Letters,* II, 97.

duly received Edward's recognition,[65] and was still holding the benefice in 1322.[66]

Another benefice to which the king presented because of a vacancy in the time of his father, was that of Laughton-in-Morthing. On November 10, 1309, a few days after the bishop of Salisbury had been summoned to answer in the Court of the King's Bench, but before the judgment in his favour, Edward gave this prebend of York to Ingelard de Warle.[67] This grant also was buttressed by a prohibition.[68] Apparently, this presentee was more fortunate than John de Nassington, and kept his benefice as long as he lived. The Patent Rolls note his death in 1317, and an award, later vacated, gave the living to William de Ayreminne.[69] In 1316 this grant was definitely made, and it appears to have been undisputed.[70]

It was quite otherwise, however, with Edward's grant of the prebend of North Neubald, made January 10, 1310. Undeterred by the adverse decision in the Court of King's Bench in the Salisbury case, he now appointed his relative, Richard of Cornwall,[71] to this prebend, York having been void in the time of his father.[72] A few days later he forbade interference.[73] But here the king was to encounter determined opposition. Pandulph de Sabello, papal notary and chaplain, claimed this benefice by provision of Honorius IV.[74] He evidently stood high in papal favour and had influential connections.[75] Richard of Cornwall received the usual citations, and was supported by royal prohibitions.[76] The king's order to take disturbers bore fruit in the arrest of proctors of Pandulph.[77] Eventually there was a judicial hearing of some kind before church authorities,

65 *Calendar of Patent Rolls,* 1313-17, 453.
66 *Calendar of Patent Rolls,* 1321-24, 122.
67 *Calendar of Patent Rolls,* 1307-13, 198.
68 *Ibid.,* 177.
69 *Calendar of Patent Rolls,* 1317-21, 37: *Calendar of Chancery Warrants,* 478.
70 *Calendar of Patent Rolls,* 1317-21, 155.
71 *Foedera,* II, 142: *Calendar of Chancery Warrants,* 386.
72 *Calendar of Patent Rolls,* 1307-13, 204.
73 *Ibid.,* 177: *Calendar of Chancery Warrants.* 386.
74 *Calendar of Chancery Warrants,* 329.
75 *Ibid.*: *Calendar of Papal Letters,* I, 544.
76 *Calendar of Chancery Warrants,* 323, 386: *Foedera,* II, 142: *Calendar of Patent Rolls,* 1307-13, 386-7, 1313-17, 187: *Calendar of Close Rolls,* 1307-13, 435, 1313-18, 73, 302: *Foedera,* II, 202.
Anc. Petitions., 194/9660. This is very badly faded. It refers to a citation of Richard to the court of Rome after the archbishop of York had himself accepted the king's collation.
77 *Calendar of Close Rolls,* 1307-13, 379.

and these decided that Richard must yield and pay costs.[78] This decision must have been in 1315, for a reminder sent in 1318, to the dean and chapter of York, accused them of having disregarded this sentence for three years.[79] Edward's resistance continued till the summer of 1319,[80] but he yielded then and "collated" the papal protégé.[81] The entry in the Patent Rolls refers to Richard as resigning. He soon found compensation, however, in the reservation of a canonry and prebend, notwithstanding his possession of other benefices.[82] Edward lost the presentation, but took some satisfaction in prosecuting one, Richard de Horsey, for having cited his candidate out of the country.[83]

The three years 1307-10 began to show the king the possibilities and limitations of retroactive claims under the *droit de régale*. Whenever his appointment clashed with a papal provision, he met opposition from the court of Rome. Except for the resistance of Simon of Ghent, bishop of Salisbury, his collations to benefices in which the Roman court had no interest, were successful and peaceful. For the next four years, then, Edward confined his practice of prerogative mainly to the latter type.[84]

The collation to Wistowe, 1312, was a variation. In October of that year he gave this prebend to his clerk, Aymes de Jovenzan.[85] The mandate to the archbishop of York to admit

78 *Calendar of Papal Letters,* II, 175.

79 *Ibid.*

80 *Foedera,* II, 391: *K. B.,* 27/230, m. 153, 27/234, m. 131.
Edward's objection to Pandulph was likely strengthened by his leadership of the faction in the York chapter which opposed Melton's election. (*Calendar of Papal Letters,* II, 165.)

81 *Calendar of Patent Rolls,* 1317-21, 343.
Pandulph held the benefice till his death, about 1328. (*Calendar of Papal Letters,* II, 270.)
He underwent a term of imprisonment in 1315. Reynolds told some protesting cardinals that he had entered litigation in the King's Court, "minus sagaciter." (*Register of Reynolds,* f. 84 b.)

82 *Calendar of Papal Letters,* II, 201.
It will be noticed that this provision came soon after the onslaught against pluralism by the constitution "*Execrabilis.*"
Some years later, the pope provided Neapolio Orsini to this benefice, because Pandulph had been a papal official. But John Arundel occupied the prebend and declared that since Pandulph had been absent from the Roman court so much, his benefice did not come under papal reservation. Needless to say, the pope did not accept such a contention. (*Calendar of Papal Letters,* II, 294, 310.)

83 *K. B.,* 27/242, Rex, 13.

84 Neuthorp, Wilton, Aukland, Boston, Fenton, Warmyngton, Shoreham, Orpington, and other benefices vacant simultaneously with their sees in the time of Edward I.

85 *Calendar of Patent Rolls,* 1307-13, 500.

was suspended, however, in January following.[86] In Michaelmas, 1313, the king summoned the archbishop to answer for failure to admit his presentee. The attorney for the king claimed that Edward had recovered presentation against a William de Colonna and the archbishop had been ordered to admit. Archbishop Greenfield maintained that he could not do so because he had already admitted William at the collation of the pope, York *sede plena.* The king was not satisfied, and the sheriff was ordered to attach the archbishop.[87] In June, 1315, Edward presented Roger de Northburgh in succession to Aymes, again making the grant because of a voidance in the time of his father.[88] But the death of Archbishop Greenfield, occurring late that year, allowed a much stronger title and the king then gave the benefice to Northburgh anew, this time by the usual *droit de régale.*[89]

As there was no pope at this time, it may have seemed less likely that a presentation would be disputed by the court of Rome. But John XXII succeded, and presently even the better title did not give the king complete assurance. In 1319 we find him writing to John about the prebend. He had heard that he was giving effect to a reservation by Clement V of the benefices of papal chaplains, and that Cardinal Bertrand had received the prebend of Wistowe in this way. He pointed out that his own presentation of Roger de Northburgh was made when York was actually vacant, and asked that it be respected.[90] Evidently it was, and Edward's man held it until his elevation to the see of Coventry and Lichfield.[91] The better title under which Northburgh finally received this benefice probably explains the king's success here.

Sometimes papal intervention was due to an appeal to the court of Rome by one who was not connected there. Such was the result of Edward's appointment of William de Bevercote to the prebend of Rampton, in the church of St. Mary, Suthwell. The presentation was made in September, 1314, during the

86 *Calendar of Chancery Warrants,* 386. Probably this was due to ecclesiastical opposition. Certainly citations were being attempted. (*Foedera,* II, 240: *Calendar of Patent Rolls,* 1313-17, 78.)

87 *K. B.,* 27/214, m. 80d.

88 *Calendar of Patent Rolls,* 1313-17, 302.

89 *Ibid.,* 375.

90 *Foedera,* II, 396.
Supposing that Aymes had died, the king appointed Richard de Crumbewelle as the first, but, discovering that he was still living, he restored him. (*Calendar of Patent Rolls,* 1313-17, 90, 103.)

91 *Calendar of Papal Letters,* II, 282.

voidance of the apostolic see.[92] The king claimed to have recovered presentation against the late archbishop of York because of voidance of the see in the time of Edward I.[93] Evidently, Melton, on becoming archbishop, accepted the collation, for the ordinary admitted.[94] In fact, it was Melton as king's clerk who furnished the information on which Edward acted,[95] and he had already accepted the prebend of Suthcave on a similar title himself.

No challenge to the Rampton appointment seems to have come immediately. In the autumn of 1321, however, the king forbade Bevercote to leave the country or to send an attorney to answer concerning the prebend.[96] At the same time, two men, John de Atrio and John de Molynton, were called before the Court of the King's Bench for having cited him outside the realm.[97] The rival candidate for the benefice was George de Solerio of Ivrea. He, with Pandulph de Sabello, had led the opposition to the election of Melton, and had taken the question to the pope,[98] so that Edward's attitude was probably stiffened by some personal animus. The appointment of Bevercote this man now made the subject of another appeal to the apostolic see.[99]

John took up his case and in the summer of 1322, wrote to Edward on his behalf.[100] He also instructed his agent that George de Solerio be undisturbed in his canonry.[101] The papal commission went on to review the case as stated by the appellant. He had claimed that he had appealed to Rome because unable to get justice in England; that William de Bevercote, by pleading papal citations outside the realm to be contrary to its custom, had obtained a royal writ citing him before the king; the sheriff having returned that he had no lay fee by which he could be attached, the bishop of Lincoln had been ordered to cite him; this the bishop had done and had also sequestered his prebend. The pope now ordered that if this statement was found

92 *Calendar of Patent Rolls*, 1313-17, 175-6. Prohibitions accompanied this. Edward owed Bevercote a good turn for his arrears in pay as Chancellor of Scotland. (*Anc. Petitions.*, 34/1660.) Cf. Apx., 125.
The Rampton prebend was valued at £20. (Record Commission, *Taxatio Ecclesiastica Angliae et Walliae*, 312.)
93 *Calendar of Patent Rolls*, 1313-17, 495, 689.
94 *Calendar of Close Rolls*, 1318-23, 498-9.
95 *Calendar of Patent Rolls*, 1313-17, 175.
96 *Calendar of Close Rolls*, 1318-23, 498-9.
97 *K. B.*, 27/246, mm. 5, 32.
98 *Calendar of Papal Letters*, II, 165.
99 *Ibid.*, 223.
100 *Calendar of Papal Letters*, II, 449.
101 *Ibid.*

to be true, the bishop's action was to be nullified and the issues of the prebend restored.

This is quite probably the course taken by the legal proceedings, for in numerous other cases involving clerks such a procedure is recorded in the Court Rolls and episcopal registers. The case continued to recur in the King's Bench Rolls, but inconclusively. It came up again in the Hilary and Easter terms, 1324, and in Trinity, 1325.[102] Despite all opposition, William de Bevercote was still in possession in February, 1327, and was so recognized by Edward III.[103]

A case in which the King had to make concessions was that of Keten, a prebend in the church of St Mary, Lincoln. On October 7, 1314, Edward presented his clerk, Robert de Wodehouse, to this benefice, claiming it to be in his gift because of a voidance of the see in the previous reign.[104] To Bishop John Dalderby he wrote at the same time, that he had recovered the advowson in court.[105] A few days after the presentation he gave orders for the arrest of any who should attempt citations, appeals, or other obstruction.[106] The clergy were instructed to interfere in no way.[107]

This grant of the king would be to displace Cardinal Raymund de Farges, who had held the benefice since 1311.[108] Naturally enough, the cardinal resisted the collation, and was therefore summoned to the Court of King's Bench, where the judges found for the king.[109] Archbishop Reynolds accepted their decision and notified the bishop of Lincoln to admit Wodehouse.[110] Dalderby had misgivings about the king's first claim to recovery and told the abbot of Neubo to investigate. He had heard that Farges had beeen deposed without being called to speak for himself.[111] This commission was given in June, 1315. At that time the bishop was evidently still delaying induction, and he

102 *K. B.*, 27/255, m. 9d., 27/256, m. 25, 27/261, m. 9d.

103 *Calendar of Patent Rolls*, 1327-30, 12.
This prebend was in the archdeaconry of Nottingham. (*Taxatio Ecclesiastica Angliae et Walliae*, 312.) The priory of St. Mary, Lincoln was a cell of the Abbey of St. Mary, York, hence the interest of the archbishop of the northern Province. (Dugdale, W., *Monasticon Anglicanum* (London, 1865), Index Volume.) George de Solerio was summoned in the autumn, 1322, for having made a citation out of the realm in the case of the prebend of Bambury, Oxford. (*K. B.*, 27/250, *Rex*, 11, 27/254, *Rex*, 21.)

104 *Calendar of Patent Rolls*, 1313-17, 186.

105 *Register of Dalderby, Memoranda*, f. 322 b.

106 *Calendar of Patent Rolls* 1313-17, 190.

107 *Ibid.*, 196.

108 *Calendar of Papal Letters*, II, 82.

109 *Register of Reynolds*, f. 115.

110 *Ibid.*, f. 125 b.

111 *Register of Dalderby, Memoranda*, ff. 322 b.-323.

threatened absolute refusal if the allegations of irregularity proved true.

Towards the king's claim the cardinal remained obdurate and his opposition continued for several years. We find Edward complaining about it to the pope in 1319.[112] But the king was in the weaker diplomatic position. For one who needed friends at the Roman court to support his nominees for bishoprics, it was inexpedient to antagonize cardinals too much, even if they did occasionally dispute the *droit de régale*. Finally, in 1320, Edward promised Raymund a benefice of equal or greater value.[113] Soon afterwards he ordered the treasurer and barons of the Exchequer to supersede the exaction of one tenth from the ecclesiastical benefices of Cardinal Raymund, as he wished to show him special favour.[114]

A man who was useful to the papal court and well connected there could win his case against the king even when active support from the pope does not appear. The sub-deanship of York was held by Pandulph de Sabello, papal notary, with whom Edward was already at odds over the prebend of North Neubald.[115] In February, 1315, the king presented to this benefice, his clerk, Robert de Appleby, again because of voidance in the time of his father.[116] In spite of royal letters against disturbance,[117] Pandulph protested. In August Edward ordered Archbishop Greenfield to do justice to him, he being unwilling that Pandulph should be hindered in prosecuting his right because of such collation. There was the proviso, however, that if the royal interest was affected, the king should be consulted.[118] One finds no further record of this process. The Calendar of Papal Letters shows that he received the pope's recognition as subdean, and that at his death, about 1327,[119] John conferred this post on a successor.[120] In the absence of indication to the contrary one concludes that Pandulph kept possession.

Another disputed presentation was at Carleton. The king gave this prebend of the church of St. Mary, Lincoln, to his clerk, Nicholas de Nottingham. This appointment was made in

112 *Foedera*, II, 398.
113 *Ibid.*, 419.
114 *Calendar of Close Rolls*, 1318-23, 188.
115 *Calendar of Papal Letters*, II, 114, 176.
116 *Calendar of Patent Rolls*, 1313-17, 222.
117 *Ibid.*, 196.
118 *Calendar of Close Rolls*, 1313-18, 302.
119 *Calendar of Papal Letters*, II, 270.
Pandulph's opposition to Edward over the election of Melton was later.
120 *Ibid.*, 294, 491.

February, 1316,[121] and in November, 1318, the prebend of Thurleby was added.[122] Again the king claimed the advowson because of a voidance of the see in the time of Edward I. John Dalderby had been bishop since 1300, so the lapse of time before the king took this action must have been at least sixteen years. His right here was questioned by one Hugh de Falaise, who, in consequence, was cited to the Court of King's Bench, Michaelmas, 1319.[123] Here the king claimed to have recovered the advowson already, and maintained that it was simply a suit *quod permittat presentare.* The case came up again the following Michaelmas, and then prosecution was entered because of a citation outside the realm against royal prohibition.[124] Nicholas disappeared from the case, and in February, 1322, Edward presented Richard de Ayreminne on the same title that he had first used.[125] About the middle of the month, the pope had provided Nicholas de Capotie to the canonry and prebend of Lincoln void by the death of Richard de Montenigro.[126] This was done at the request of the provisor's uncle, Cardinal Peter of St. Angelo, so that evidently Nicholas de Capotie had support in influential quarters. That the prebend he received was that of Carlton and Thurleby, is shown by a later reference of Edward to opposition by Nicholas de Capotie to his right to present here.[127] In 1324 the king saw fit to forbid ecclesiastics proceeding in derogation of his right, and a year later he renewed the prohibition.[128] Yet even so, obstruction did not stop, and in the Rolls of the King's Bench for Trinity term, 1325, we find a suit against the bishop of Lincoln for failure to admit Ayreminne.[129] This servant of the crown kept his prebend and was confirmed in it by Edward III.[130]

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121 *Calendar of Patent Rolls,* 1313-17, 397.
These two really were a combined prebend, and are so listed in the *Taxatio Ecclesiastica Angliae et Walliae,* 52 b. Value, £26-13-4.

122 *Calendar of Patent Rolls,* 1317-21, 224.

123 *K. B.,* 27/238, m. 13.
Hugh de Falaise was again summoned in 1321 for such a citation. The bishop of Lincoln was told to produce him, but did nothing. (*K. B.* 27/246, *Rex,* 2d.)

124 *K. B.,* 27/242, m. 28d.

125 *Calendar of Patent Rolls,* 1321-24, 78.
A clerk installed by the bishop because of lapse of a month, was probably removed. (*Register of Berghersh, Institutions,* f. 397b.)

126 *Calendar of Papal Letters,* II, 219.

127 *Calendar of Patent Rolls,* 1324-27, 107.

128 *Ibid.,* 57.

129 *K. B.,* 27/261, *Rex,* Membrane preceding "Primus" in *Rex* section. The numbering is defective.

130 *Calendar of Patent Rolls,* 1327-30, 403. The young king claimed recovery against Nicholas de Capotie.

In May, 1318, Edward gave to Thomas de Staunton, the prebend of Grymstone and Yateminster in the church of St. Mary, Salisbury.[131] This was another attempt to displace an incumbent in favour of a royal nominee. As recently as the preceding March, Gabriel de Canville had received the king's recognition as prebendary here.[132] This grant of Edward's resulted in a contest, and Staunton received citations out of the country.[133] Ecclesiastics had the familiar warning to make no attack on the king's appointment.[134] At the same time the question was taken to the secular court where the king prosecuted a certain Achard de Brigue for bringing the matter into the courts Christian.[135] De Canville dying in the next few months, the pope gave the prebend to one, Innocent, son of Frederick, count of Auvergne.[136] What ensued does not appear. Edward continued his legal proceedings, but it is unlikely that he got much satisfaction from the summons and hearings which recurred.[137] However, his man succeded in keeping the benefice.[138]

A dispute which went on for a number of years resulted from the king's grant of the prebend of Leighton Buzzard, made in November, 1318.[139] Edward's appointee was William de Ayreminne, but another claimed the benefice because of a promise by the pope that he should have the next vacant prebend of Lincoln.[140] The following year the archbishop of Canterbury and Rigaud received a papal order to execute this expectation of John de Puy-Barsac.[141] The death of John Dalderby enabled the king to present because of an up-to-date vacancy, and he then gave the prebend anew to Ayreminne, January, 1320.[142] Opposition must have continued, for in the Easter term, 1320, actions were brought on writs of *quod permittat presentare* against John de Puy-Barsac and the dean and chapter of Lincoln. In the first case the king claimed to present because of a voidance in the time of his father, while in the second he pleaded the recent vacancy after Dalderby's death. John de-

131 *Calendar of Patent Rolls,* 1317-21, 146.
132 *Ibid.,* 172.
133 *Foedera,* II, 401.
134 *Calendar of Patent Rolls,* 1317-21, 377.
135 *K. B.,* 27/235. m. 98d.
136 *Calendar of Papal Letters,* II, 186.
137 *K. B.,* 27/238, *Rex,* 14d., 27/242, *Rex,* 22, 27/250, *Rex,* 10, 27/256, *Rex,* 17.
138 *Calendar of Patent Rolls,* 1321-24, 431.
139 *Calendar of Patent Rolls,* 1317-21, 239.
140 *Calendar of Papal Letters,* II, 124.
141 *Ibid.,* 184-5. Rigaud was representing the pope in England at this time.
142 *Calendar of Patent Rolls,* 1317-21, 413. Repeated, 490.

faulted,[143] and the dean and chapter made no denial of the royal claim,[144] so Edward received judgment in each instance. For these years the king supported his man in the benefice, and in addition to the usual prohibitions, gave special instructions to his agents going to the court of Rome.[145] In 1324 Ayreminne was elected to the see of Carlisle, and the king gave Leighton Buzzard to William de Weston.[146] The pope continued his efforts for his nominee. Although the proctor of Puy-Barsac was allowed to prosecute his master's business in England early in 1325,[147] his success is problematical in so far as the prebend may have been concerned. That autumn, the pope considered it necessary to summon William de Weston to the papal court to answer for his resistance to Puy-Barsac.[148] It is only after the young Edward became king that John's nominee appears in the records of Chancery as prebendary of Leighton Buzzard.[149] Probably he now had royal favour, for an entry in the Patent Rolls of 1331 refers to him as a king's clerk.[150] He prospered under the new régime.[151]

In trying to appoint to the archdeaconry of Canterbury, 1323, Edward attempted too much. The title on which he claimed the advowson was a voidance which had occurred in the reign of his father. At that time it had been filled by papal provision, when, by royal grant, the temporal administration of the see was in the hands of the pope. Usually, when the king allowed to an ecclesiastical corporation such right of administration during voidance, he himself retained the advowsons.[152] But when Edward I had asked that his appointment of his physician, made while he himself was still keeping the temporalities, should be allowed to stand, the implication clearly was that advowsons also had been included in the concession to Clement.[153] Between

143 *Common Pleas,* 13 *Edward* II. C. P. 40/234, m. 38d.

144 *Ibid., m.* 41. Cf. Apx., 125.
Miss Ann Deeley has followed out this case in detail into the reign of Edward III. "Papal Provisions and Royal Rights of Patronage in the Early XIVth Century," *English Historical Review* (1928), 519-22.

145 *Calendar of Close Rolls,* 1318-23, 510: *Register of Reynolds,* f. 300. *Foedera,* II, 466, 478: *Calendar of Patent Rolls,* 1321-24, 275.

146 *Calendar of Patent Rolls,* 1321-24, 364.

147 *Calendar of Patent Rolls,* 1324-27, 93, 119.

148 *Register of Reynolds,* f. 145. Cf. Apx., 125.

149 *Calendar of Close Rolls,* 1327-30, 553.

150 *Calendar of Patent Rolls,* 1330-34, 65.

151 *Ibid.,* 66, 1334-38, 186.

152 Cf. The grant to the dean and chapter of Lincoln. *Register of Dalderby, Memoranda,* f. 342. Apx., 126.

153 *Foedera,* I, 1,000.
Edward had given the church of Reycolver to his physician, Nicholas de Tynge-

the papal appointment to the archdeaconry made at that time and the year 1323, when Edward II raised his claim, there had been two other archdeacons of Canterbury appointed, both of whom had received recognition by the crown.[154]

Edward's nomination of his clerk, John de Bruton, made when the new vacancy occurred, illustrates a disposition to stretch prerogative as far as possible.[155] The letter of appointment as calendared in the Calendar of Patent Rolls, and as enrolled in the register of Archbishop Reynolds, mentions merely that the temporalities were lately in the king's hands.[156] A few days after the royal appointment, John XXII provided Cardinal Raymund of St. Mary in Cosmedin.[157] Edward was not unprepared for opposition, and forbade all ecclesiastical persons to attempt any disturbance of his man.[158] Agents of the cardinal were imprisoned by royal officers,[159] while the archbishop was warned that the king intended to support his clerk.[160] In his letter to Reynolds Edward stated his claim in detail. He professed the usual concern lest royal prerogatives be endangered, and went on to declare that it was owing to the voidance of the archdeaconry when the temporalities had been made over by the late king, that he himself now presented. He repeated his order against disturbing De Bruton by pretext of any commission or by any authority, and threatened the archbishop with forfeiture of his temporalities if he disobeyed.[161]

The king's case was very weak and one concludes that he undertook it only through excessive self-assurance resulting from recent victory in England.[162] It is hard to see good judgment in it. It may have been argued that retention of his benefice by Edward I's physician saved that concession of the temporal administration from being a surrender of patronage

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wyk, and Clement agreed that his presentation should be respected. (*Foedera,* I, 1006.) After the death of the old king, a candidate for the benefice appeared who claimed to have it by papal provision. (*Calendar of Close Rolls,* 1307-13, 65.) Edward II stood by his father's presentation and without mentioning the special understanding with the pope, forbade the archbishop to cite Nicholas because of any bull. (*Ibid.*) Nicholas kept the benefice certainly till 1316. (*Calendar of Patent Rolls,* 1313-17, 400.)

154 *Calendar of Patent Rolls,* 1313-17, 634; 1317-21, 451.

155 *Calendar of Patent Rolls,* 1321-24,280.

156 *Ibid.*: *Register of Reynolds,* f. 307 b.

157 *Calendar of Papal Letters,* II, 229.

158 *Calendar of Patent Rolls,* 1321-24, 328: *Register of Reynolds,* f. 307 b.

159 *Calendar of Papal Letters,* II, 452.

160 *Foedera,* II, 532: *Register of Reynolds,* ff. 307 b.-308.

161 *Ibid.*

162 The formidable revolt of barons in 1321-22, had been suppressed, and the king was stronger than he had ever been before.

rights for the time it should be effective. But Edward II's own policy was against him. Three archdeacons of Canterbury, all appointed since Edward I had held the temporalities, he himself had accepted. He had even recognized the post as vacant *apud sedem,* and had asked for it for Berghersh.[163] He had made no use of the voidance at Winchelsea's death to advance prerogative claims, and the effort to do so now appeared too much as an afterthought.

Edward's attempt failed. Both the archbishop and the pope were opposed to it. Against the former the king found it necessary to bring an action of *quare impedit.* In the Court of King's Bench, Reynolds's attorney denied that the archdeaconry had been vacant when the temporalities were in the king's hand. However, a jury found that it had been so when Edward I seized these, and it was therefore decided that the king should have recovery.[164] This was in the Hilary term, 1324. But the archbishop, king's man though he was, did not accept this. The case came up again in the Easter term following, and then the king's attorney, again Adam de Fyncham,[165] complained that despite the king's recovery in court, the archbishop was refusing to admit. This time the sheriff was ordered to distrain the archbishop by all his lands.[166] The case went on inconclusively, writs failing to bring any response in the two following terms.[167] The pope supported Reynolds in his obstruction, and told him to revoke whatever he had done towards De Bruton's appointment.[168] To the king John wrote repeatedly, urging the claims of Cardinal Raymund, and the correspondence with both king and archbishop continued through the year 1324.[169] That autumn Edward yielded and on November 19, assented to the induction of Peter Laurence, proctor of the cardinal.[170]

While this dispute over the archdeaconry of Canterbury was still in progress, the king made another presentation because of a voidance under his father, *i. e.,* to the prebend of

163 Cf. *Supra,* 33.
164 *K. B.,* 27/255, *Rex,* 4d.
165 Adam de Fyncham had been appointed in November, 1318, to follow and defend the king's business before the justices of the King's Bench. His fee was to be £10 per annum. (*Calendar of Patent Rolls,* 1317-21, 242.)
166 *K. B,.* 27/256, *Rex,* 25.
167 *K. B.,* 27/257, *Rex,* 18: 27/258, *Rex,* 11d., 43d.
168 *Calendar of Papal Letters,* II, 452.
169 *Ibid.,* 459, 461: *Foedera,* II, 550.
170 *Register of Reynolds,* f. 254 b.

Yatton, in the diocese of Bath and Wells. This benefice he gave to his servant, Baldok, September 19, 1324.[171] The familiar prohibitions and mandates for arrest of disturbers followed in the spring.[172] This case is a good example of the procedure in such disputes. Here the pope took no part, but the king's claim was resisted by the bishop, John de Drokensford, an old servant of the king and of his father, who doubtless owed his appointment to the see to his sympathy with the interests of the crown. The bishop was summoned to the Court of King's Bench, and appeared by attorney, Michaelmas, 1324.[173] Adam de Fyncham, again representing the king, recited the recent history of the benefice. He contended that the right to present, which fell to Edward I because of simultaneous voidance of benefice and see, had descended to the present king. The defence said they would not challenge the crown's right if the last vacancy had occurred as represented by Fyncham. Neither did they plead delay in taking up the royal claim, nor the decision over the Salisbury prebend in 1309. Instead, they maintained that the prebend had not been vacant when the see was void, and denied they were acting in contempt of the king, as alleged. Both sides put themselves on jury, and the case was adjourned till the octave of St. Hilary. The sheriff was ordered to produce twenty-four men who had no connection with the bishop.[174] After some delay the jury appeared and their verdict was given in a *Continuation* appended to the process of Michaelmas term. The case was adjourned till three weeks of Easter, 1325, when the jury presented that the benefice had been vacant when the see was in the king's hands through the death of bishop William of March. Accordingly, the court found for the king, and the usual letter was directed to the bishop to admit on his presentation.[175] This must have been done, for the pope recognized the prebend as Baldok's and filled it on his death.[176]

Sometimes Edward II met opposition in attempting, after a lapse of time, to present to benefices vacant in his own reign. The case of the church of Arlesford is an example of this and of the delays of mediaeval legal processes. In December, 1321,

171 *Calendar of Patent Rolls*, 1324-27, 24.
172 *Ibid.*, 116.
173 *K. B.*, 27/258, *Rex*, 32.
174 *K. B.*, 27/259, *Rex*, 5d.
175 *K. B.*, 27/258, *Rex*, 32.
176 *Calendar of Papal Letters*, II, 272.
Since John XXII had recently refused episcopal promotion to Baldok, he was probably willing to be neutral here.

he gave this Winchester benefice to John de Donestaple.[177] It does not appear in the Calendar of Patent Rolls, but the voidance in question was that following the death of Henry Wodelok, 1316.[178] Bishop Rigaud opposed the presentation on the ground that the benefice was occupied until the temporalities were restored to his predecessor, Sandale.[179] This counterplea was in Michaelmas, 1322. A jury was to decide this point and the case was adjourned till the following term.[180] Nothing was done and it remained undecided. When Stratford succeeded Rigaud the question was again in court. The new bishop was summoned before the Court of King's Bench, Michaelmas, 1325, on writ of *quare impedit,*[181] and again the time of vacancy was referred to a jury. More delays followed. From the Hilary term, 1326, it was postponed because of defect of jury, until Easter,[182] and then for the same reason, was postponed once again.[183] It was still undecided at the Trinity term of 1326.[184]

We have been considering the retroactive extension of the *droit de régale.* On one occasion Edward tried to oust a papal provisor by the use of an existing vacancy. In February, 1316, he gave the prebend of Masham, York, to William de Ayreminne, the see being void.[185] This had already been granted by provision to George de Saluzzo, papal chaplain.[186] The archbishop of York opposed this collation and Clement V had ordered him to be cited.[187] During the voidance at the apostolic see the case probably rested, and the king took the opportunity to present a man of his own. This benefice appears to have been one of several in dispute between the king and York cathedral clergy on the one side, and George de Saluzzo on the other. John XXII took up the quarrel of the provisor, and caused his opponents, the king excepted, to be cited.[188] For some time Edward suspended the prosecution of his claim, but renewed it in June, 1322, when he directed the dean and chapter to admit

177 *Calendar of Patent Rolls,* 1321-24, 41.
178 *K. B.,* 27/262, *Rex,* 36.
179 *K. B.,* 27/250, *Rex,* 19.
180 *Ibid.*
181 *K. B.,* 27/262, *Rex,* 36.
182 *K. B.,* 27/263, *Rex,* 11.
183 *K. B.,* 27/264, *Rex,* 3.
184 *K. B.,* 27/265, *Rex,* 24.
185 *Calendar of Patent Rolls,* 1313- 17, 398.
186 *Calendar of Papal Letters,* II, 122.
187 *Ibid.*
188 *Ibid.,* 168.

William de Ayreminne and no other.[189] He did not stand by this, however, and a few months afterward granted the prebend to George de Saluzzo.[190]

An interesting case of exchange is worth a brief note. In 1319 the king granted the church of Hustwait to Harvey de Staunton, York lately void.[191] It was already held by one John de Hustwait, who resisted the collation.[192] Staunton did not want the expense of litigation, so arranged an exchange with his rival, and got the benefice on the archbishop's collation. He was now apprehensive lest the king revive a claim to fill the post after he had accepted it from another source, and asked Edward to approve of the arrangement. The king had no wish for appeals to the court of Rome, and since his own authority was here recognized, he agreed.[193]

It has been claimed that the pope respected lay rights of patronage. This was probably true in the main, but when a layman's advowson clashed with a papal provision, John was capable of challenging. This happened in the case of the church of Rutherfeld.[194] The tenacity with which each side insisted on its claim suggests that a principle of some importance was at stake.

In May, 1317, Edward presented William de Shotesham to the church at Rutherfeld, diocese of Chichester, in his gift because of custody of the lands of the late Gilbert de Clare.[195] This benefice had been held by Thomas de Cobham, who in March of that year was provided to the see of Worcester.[196] In consequence, next July John proceeded to give to Cardinal Vi-

189 *Calendar of Patent Rolls,* 1321-24, 137.
190 *Ibid.,* 214.
191 *Calendar of Patent Rolls,* 1317-21, 393.
192 *Ibid.,* 403.
193 *Ibid.,*
There is evidence that Edward's revival of old claims of advowson caused uneasiness even to important English ecclesiastics. In 1321 the king promised Gilbert de Middleton, archdeacon of Northampton, that he would not be molested in certain benefices named, because of any such right there. (*Calendar of Patent Rolls,* 1321-24, 43.) He had been summoned a few years before to show why he should not be removed from Pagesham church. (*Register of Reynolds,* f. 91.) Robert Baldok was assured that the king would not revive any prerogative claims over certain benefices that he was holding. (*Calendar of Patent Rolls,* 1324-27, 163.)
194 Miss Ann Deeley, (*op. cit.,* 506,) mentions this case, but refers to a complication. This was on the lay side, however.
195 *Calendar of Patent Rolls,* 1313-17, 664.
196 *Calendar of Papal Letters,* II, 140.
Cobham had held this for at least twenty years. (*Ibid.,* I, 569.)

talis of St. Martin in Montibus, the benefice thus vacated *apud sedem apostolicam.*[197] In this way the pope's appointment was later than that of the king although the warrant for his claim was earlier. Edward resisted. In the following March Cardinals Gaucelin and Luke received instructions to induce him to allow Vitalis his benefice.[198] Whatever was done, the king remained obdurate. A royal letter to John in May, 1319, protested against the cardinal's claim and also against the citation of William de Shotesham to the court of Rome.[199]

While this dispute was going on, Roger Damory married Elizabeth, one of the Clare heiresses, and a royal mandate to the English clergy to be party to no process against the collation included him in its protection.[200] The case was reviewed before King and Council, where it was decided that the collation of the royal presentee could not then be repealed without disinheritance of Roger Damory, who by his marriage had succeeded to the advowson.[201] In this way the king's presentation was reinforced by an argument which would appeal to all English patrons. The controversy dragged on. In 1320 and 1323, Edward renewed his prohibitions on behalf of De Shotesham.[202] The opposition continued, however, and the young Edward III early found it necessary to state the royal claim once again, and to order the arrest of all attempting to impugn it.[203] Even that seems not to have settled the issue. The pope presently sent instructions to his nuncio, Hugh de Engolisma. It would appear that the case had been heard by the bishop of Sabina some time before, and that William de Shotesham had incurred a sentence of excommunication under which he had now been living for six years.[204] The incumbent recognized by the papacy had died in the meanwhile, leaving the issues of the church to the fund to be used against heretics in Italy. Such charities had the pope's sympathy, and the nuncio was ordered to receive

197 *Calendar of Papal Letters*, II, 156.
Although not using his advantage here, the pope was in a better position than the king to fill vacated benefices, since he could know who was to be promoted.

198 It would appear that Edward disputed papal claims to dispose of other holdings of Cobham. In the cases of the manors of Barnes and Witham, the chapter of St. Paul's received royal letters forbidding publication of the papal grant. (*Calendar of Papal Letters*, II, 169.)

199 *Foedera* II, 393.

200 *Ibid.*, 406.

201 *Calendar of Chancery Warrants*, 506.

202 *Calendar of Patent Rolls*, 1317-21, 525, 1321-24, 339.

203 *Calendar of Patent Rolls*, 1327-30, 13.

204 *Calendar of Papal Letters*, II, 483.

these revenues.[205] The dispute dragged on and seems to have lapsed finally.

Edward was ready to resist a papal provision when the provisor was personally unacceptable. In September, 1320, John gave the archdeaconry of London to Elias de Talayrand, a son of the late count of Périgord.[206] Because he was a brother of Archibald, count of Périgord, who had been with the French king's army in Gascony, Edward impeded his occupation of the benefice.[207] This is the reason for the obstruction as represented by the pope, and it seems to be the only one to appear. There is no evidence of claim to *droit de régale*. The appointment of Talayrand could not have coincided with a voidance of the see. The last archdeacon was still receiving papal letters in July, 1319,[208] and the bishop at this time had been given the temporalities some months previously.[209] Nor did the appointment of Talayrand's predecessor represent a simultaneous voidance. It had been made in November, 1308, and followed the nearest episcopal appointment by upwards of two years.[210] The man now to receive Edward's recognition as archdeacon was Richard de Aston, who, in 1321 and again in 1323, had royal letters of protection.[211] The pope ordered the bishop of London and the cathedral clergy to remove the king's man and admit Talayrand, failing which, the archbishop of Canterbury and the bishops of Norwich and Worcester were to excommunicate them.[212] There is no evidence, however, that this order secured the benefice for the papal nominee.

On one occasion, early in his reign, Edward invoked the principle of trust to support his opposition to a papal provision. Ralph de Baldok, who had been provided to the see of London in 1306, had been dean of the chapter of St. Paul's, and some time afterwards, the pope gave this post to Cardinal Arnald of St. Marcellus.[213] The king objected, claiming the deanship to be of royal patronage. He made little of this aspect, however, and urged other considerations on the cardinal when he asked

205 *Ibid.*
206 *Ibid.*, 208.
207 *Ibid.*, 470.
208 *Calendar of Papal Letters*, II, 189.
209 Cf. *Supra*, 31.
210 *Calendar of Papal Letters*, II, 32: Stubbs, W., *Registrum Sacrum Anglicanum*, (Oxford, 1897), 70.
211 *Calendar of Patent Rolls*, 1317-21, 559, 1321-24, 345.
212 *Calendar of Papal Letters*, II, 211.
213 *Foedera*, II, 72.

him to waive the papal provision.[214] There were several reasons why he, as an absentee dean, would be unable to fulfil his responsibilities, *e. g.,* the dean should say mass, provide hospitality, give alms, etc. Then Edward concluded with the observation that endowments which were not devoted to the purposes contemplated by the donors, could be revoked.

"Profecto scire vos volumus quod secundum legem et consuetudinem regni nostri, possessiones ecclesiis et locis religiosis collatae, si ad usum fundatorum et donatorum voluntati et intentioni contrarium applicentur, certissime per ipsos jundatores et donatores aut eorum haeredes poterunt revocari."[215]

During these years feeling among the patrons was aroused over this question, and its discussion had an important place in the parliaments of Carlisle and Stamford.

Such arguments made little impression on Cardinal Arnald, however, and he seems to have occupied his benefice without interference from the king. Living overseas he was allowed letters appointing attorneys in 1308, 1309, and 1311.[216] At Arnald's death, Vitalis de Testa received the deanship by papal grant, 1316,[217] and in 1317, if not before, had the king's recognition in the post.[218] He was still dean in 1320[219]

Edward forbade acknowledgment of a foreign court in advowson suits even if he was not a party to the dispute. This happened in 1320. The Earl of Lancaster and the prior of

214 *Ibid.*

215 This is word for word as the protest of the English barons at Stamford, 1309. (Cf. *Annales Londonienses,* 164.) When there was a dispute among the monks of Pritelwell Edward took the priory into his hands because it was of the alms of his ancestors. (*Calendar of Close Rolls,* 1318-23, 51.)
There were other similar cases.
Cf. Barraclough, Geoffrey, *Papal Provisions* (Oxford, 1935) 74, ff. The author argues impressively that the cardinals had a heavy responsibility for the abuse of provisions, and that the constitutional position of the pope vis-à-vis the sacred college made it possible for them to disregard his wishes that provisions be equitable.
"Only at the risk of a grave constitutional crisis could the popes oppose the interests of the cardinals, and most popes of the fourteenth century preferred to give way on the question of benefices in order to obtain their point in regard to major constitutional issues." (75-76)

216 *Calendar of Patent Rolls,* 1307-13, 50, 122, 397.

217 *Calendar of Papal Letters,* II, 124.

218 *Calendar of Patent Rolls,* 1313-17, 639.
Le Neve, J., *Fasti Ecclesiae Anglicanae,* II, 310-11, represents John de Sandale and Richard de Newport as holding the post between Cardinals Arnald and Vitalis. I do not know on what authority. George Hennessy has Richard de Newport as dean before his election to the see of London. (*Novum Repertorium Ecclesiasticum Parochiale Londoniense.* V. VI.)

219 *Calendar of Patent Rolls,* 1317-21, 534.

Lenton were in litigation in the king's court over the advowson of the church of Radcliff-on-Soar.[220] The pope had provided Cardinal Bertrand of St. Marcellus,[221] and ordered the citation of the prior for disobeying his mandate to induct the cardinal's proctor.[222] Already Edward had prohibited any induction, *pendente lite,* and he now forbade the prior of Lenton to go overseas or to send an attorney to answer for non-admission.[223] Citations to the Roman court continued, and for his contumacy the prior was excommunicated.[224] Twice, in preparation for going overseas, he had letters nominating attorneys,[225] but the papal letters would indicate that it was not in obedience to citations that he was leaving. The pope was still complaining of lay resistance in 1325.[226] The outcome does not appear. The year 1325 was bad for Edward, and he may possibly have given way. On the other hand, the practice of forbidding appeals outside the realm when advowson suits were *sub judice* in the king's court, was well established. Evidently the prior accepted the king's policy, for although there were numerous processes in the Court of King's Bench over such appeals made counter to royal prohibition, this case is absent.

220 *Calendar of Close Rolls,* 1318-23, 228.
221 *Calendar of Papal Letters,* II, 471.
222 *Ibid.,* 194.
223 *Calendar of Close Rolls,* 1318-23, 228.
224 *Calendar of Papal Letters,* II, 234, 471.
225 *Calendar of Patent Rolls,* 1321-24, 82, 400.
226 *Calendar of Papal Letters,* II, 471.

CHAPTER IV

SPECIAL CASES

(1) ADVOWSON WHEN EPISCOPAL TEMPORALITIES WERE SEQUESTERED

The sequestration of the temporalities of the bishops of Lincoln and Hereford because of their support of the rebellious barons in 1321-22, gave the king a chance to use those rights of presentation which normally fell to him during voidance of the see. Where such presentation conflicted with claims of pope or cardinals, or where an appeal was lodged at the apostolic see, the court of Rome denied the right of the king so to present. Needless to say, the forfeited bishops, similarly, had no wish to co-operate in such collations, even after a royal court had given Edward judgment, and their antagonism led to several stubborn contests. Most such cases concerned the diocese of Lincoln, and its bishop, Henry Berghersh, was of considerable annoyance to the king. The bishop of Hereford, Adam de Orleton, was equally troublesome, but more in political intrigue. The bishop of Bath and Wells, John de Drokensford, who likewise incurred Edward's anger for sympathizing with the rebels, does not appear as a recalcitrant in these disputes. Since Berghersh refused to induct the king's presentees, Archbishop Reynolds did so, and thereby brought upon himself a rebuke from the pope.[1] John XXII wrote also to Edward complaining of his detention of the goods of the bishop of Lincoln until he should confirm such collations, and asked him not to compel Berghersh to unlawful acts.[2]

One of the first presentations made by the king because of the confiscation of the Lincoln temporalities, was to the prebend of Stoke-by-Newark, in the church of St. Mary, Lincoln. In 1315 he had given this to Roger de Northburgh, the see having been void under Edward I.[3] This collation had stood in spite of the lapse of time since the vacancy.[4] When De Northburgh

1 *Calendar of Papal Letters*, II, 471.
2 *Ibid.*, 469.
3 *Calendar of Patent Rolls*, 1313-17, 366.
4 *Calendar of Papal Letters*, II, 224.

was consecrated bishop of Coventry and Lichfield in August, 1322, the pope gave the prebend to John de Grandisson, papal chaplain.[5] But in June preceding, Edward had presented William de Clyf, the temporalities of the see of Lincoln being in his hands. The entry does not make it clear whether this was due to the late voidance or to forfeiture for rebellion.[6] In any event, this appointment was superseded, and about the same time that the pope provided John de Grandisson, the king gave it to Cardinal Gaillard de la Mothe, this time definitely because of the sequestration of the temporalities.[7]

The cardinal had no wish to accept a benefice of which the pope had already disposed, and made no reply.[8] Nor could he be expected to feel kindly toward Edward, who harried him in the matter of the Aylesbury benefice and now offered compensation on a title that the pope would not recognize. He made no move of acceptance.[9] During these months John de Grandisson received the pope's recognition as the incumbent and opposed the king's claim. In his opposition he had an ally in Bishop Henry Berghersh, who, in 1323, accepted the pope's appointment, and gave orders to the dean and chapter to induct him to the prebend.[10] In the Michaelmas term of that year, the bishop was summoned to the Court of King's Bench by writ of *quod permittat presentare.*[11] The provisor's turn came in the winter.[12] Both were called again at Easter, 1324, and then the decision went to the king.[13] Apparently Edward anticipated this outcome, for on March 8, he gave the prebend which Cardinal Gaillard had declined, to William de Ayreminne.[14] How much this meant is problematical. Ayreminne was soon elevated to the episcopate and the king made no attempt to appoint anyone to succeed him. This does not necessarily represent respect for papal rights over benefices vacant *apud sedem,* for Edward had sometimes obstructed such provisions even where the recent incumbent had been promoted or translated at the apostolic see.[15]

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5 *Ibid.*
6 *Calendar of Patent Rolls,* 1321-24, 135.
7 *Foedera,* II, 491-93.
8 *Ibid.* 507.
9 *Foedera,* II, 520: Cf. *Infra,* 104, ff.
10 *Register of Berghersh, Institutions,* f. 398 b.
11 *K. B.,* 27/254, *Rex,* 30.
12 *K. B.,* 27/255, *Rex,* 12.
13 *K. B.,* 27/256, *Rex,* 24d.
14 *Calendar of Patent Rolls,* 1321-24, 389.
15 Cf. *Supra,* 81, Thomas de Cobham and the Rutherfeld benefice.

When John de Grandisson became bishop of Exeter, the pope disposed of the prebend of Stoke-by-Newark which he vacated.[16]

Another presentation to be made while the bishop of Lincoln was forfeited, resulted in the king dictating to the Court of the Arches. In August, 1322, Edward granted to his clerk, William de Clyf, the prebend of Empryngham in the church of St. Mary, Lincoln.[17] Again opposition was anticipated, and some months later ecclesiastics were warned against interference.[18] In this mandate the king declared he had recovered the presentation by judgment of the court against Henry, bishop of Lincoln. He renewed his order in the autumn of 1323[19] and told sheriffs and officers to arrest any who disobeyed.[20]

This case appears to have drawn no intervention from the court of Rome, but to have been appealed to the Court of the Arches by William de Clyf himself when the bishop of Lincoln refused to admit him.[21] Archbishop Reynolds delayed for a time, but at the king's order eventually gave judgment, and pronounced in favour of Edward.[22] This is the case as it appears in the Patent Rolls, and William de Clyf is represented as the appellant to the court Christian. It did not end there, however, but was transferred to the Court of King's Bench. There the king brought suit against Henry de Idelesworth, canon of Lincoln, for having opposed his collation to this as well as to other prebends of St. Mary's.[23] It became an inquisition to determine if he had actually done this and had taken the Empryngham case to the Arches in contempt of a royal prohibition.[24] Thus we have the king accepting the judgment of an ecclesiastical court yet disputing its competence. The final result is not clear, for the process suffered the common disability of defect of jury.[25]

Once Edward II was out of the way, the presentation of De Clyf did not long survive. The young Edward revoked it

16 *Calendar of Papal Letters*, II, 283. William de Ayreminne was already involved in the Leighton Buzzard dispute. (*Supra*, 75, ff.)
17 *Calendar of Patent Rolls*, 1321-24, 198.
18 *Ibid.*, 287.
19 *Ibid.*, 339.
20 *Ibid.*, 352.
21 *Calendar of Patent* Rolls, 1321-24, 344.
22 *Ibid.*
23 *K. B.*, 27/255, *Rex*, 7d.
24 *K. B.*, 27/258, *Rex*, 36d.
25 *Ibid.*, *K.* B., 27/259, *Rex*, 33.

and ratified the claim of the royal clerk, Hugh de Camera, who had been collated by the bishop.[26]

Another dispute followed Edward II's grant of the prebend of Bedford Minor, St. Mary's, Lincoln, made in November, 1322.[27] As far as intervention from outside the realm was concerned, this presentation passed quietly enough; what opposition Edward encountered was from Englishmen and English ecclesiastical authorities. The collation was challenged by the bishop of Lincoln and his agent Henry de Idelesworth. These two were summoned to the Court of King's Bench, Michaelmas, 1323, on writ of *quod permittant presentare,*[28] but the case was adjourned to the Hilary term. At the hearing then it was recited how summons, attachment, and distraint had alike failed to produce the bishop, and it was therefore adjudged that the king had recovered against him.[29] In the same term, Henry de Idelesworth, who had been allowed bailors,[30] made his appearance. He admitted he had nothing in the prebend and denied that he claimed anything against the king.[31] All these hearings were on writ of *quod permittant presentare,* and the king's possession of the temporalities of the see was explained as *quibusdam causis.*

The Court of King's Bench was not finished with De Idelesworth. He was attached once again for impeding the royal collation, but on his denial the question was referred to a jury to present in the Easter term.[32] There were more delays. The process re-appeared in a different guise in the autumn of 1324,

26 *Calendar of Patent Rolls,* 1327-30, 368.

27 *Calendar of Patent Rolls,* 1321-24, 211. At various times, three different men appear as the royal presentee to this prebend.
(*Ibid., K. B.,* 27/256, *Rex,* 27, *K. B.,* 27/262, *Rex,* 38d.)

28 *K. B.,* 27/254, *Rex,* mm. 1, 24, 29.

29 *K. B.,* 27/255, *Rex,* 7. Cf. Apx., 127.
"In Assizes of *Darrein Presentement* or in Plea of *Quare impedit* of churches vacant, Days shall be given from 15 to 15 or from three weeks to three weeks, as the Place shall hap to be near or far. And in a Plea of *Quare impedit,* if the Disturber come not at the first day that he is summoned, nor cast no Essoin, then shall he be distrained by the Great Distress: and if he come not then, by his Default a Writ shall go to the Bishop of the same place that the claim of the Disturber for that time shall not be prejudicial to the Plaintiff: saving to the Disturber his Right at another time, when he shall sue therefore."
(52 *Henry III, Statute of Marlborough,* Cap. xii.)
It will be noticed that in the matter of Bedford Minor, the writ was *quod permittant prestentare.* There seems to have been no prescription that with such writs the case should end with such despatch, rather, they tended to drag on inconclusively.

30 *K. B.,* 27/254, *Rex,* 29.

31 *K. B.,* 27/255, *Rex,* 15.

32 *K. B.,* 27/255, *Rex,* 18d, 27/256, *Rex,* 27.

when inquest was ordered to determine if this collation had been appealed to the Court of the Arches against royal prohibition.[33] Defect of jury stultified this action.[34]

In December, 1324, there was a change of royal nominees. The king notified the bishop of Lincoln that he had revoked the grant to John de Portaly, whom he had first presented, and was giving the prebend to William de Herlaston.[35] Again impeded by Berghersh, Edward brought action of *quare non admisit,* this time concerning Herlaston. From the recurrence of this case through successive terms into the summer of 1326, it is apparent that the bishop was firm in his refusal to institute, whatever the archbishop of Canterbury might agree to do.[36]

The church of Great Carlton was the subject of a royal grant to John de Melton in June, 1323.[37] Here there was some obstruction attempted by the bishop of Lincoln, but details have not appeared in the records covered. De Melton complained that Berghersh refused to receive him on the king's collation, but would admit him on his own. A committee of the Council was instructed to deal with the matter.[38] Most likely a legal process ensued, for in June, 1324, Edward referred to a recovery of the presentation by judgment of the court against the bishop of Lincoln.[39] As usual, the clergy were forbidden to impede the king's nominee.

We have already seen, in the case of Stoke-by-Newark, how the pope could oppose a royal collation made during the sequestration of episcopal temporalities, when such a presentation conflicted with a papal provision. Such a policy has been noted concerning Edward's extension of his prerogative claims. The case of the archdeaconry of Lincoln, following as it does that of the Lincoln prebend, suggests that here too this was to be the position of the court of Rome.

The provision of John de Stratford to the see of Winchester led to the voidance of the archdeaconry of Lincoln which he had held. This the pope gave to Archibald de Périgord, on

33 *K. B.*, 27/258, *Rex*, 36d.
34 *K. B.*, 27/259, *Rex*, 11: 260, *Rex*, 24.
35 *Calendar of Patent Rolls*, 1324-27, 80, 82.
A certain Gerard, chancellor of the count of Valois, had been mentioned once as the king's candidate. (*K. B.*, 27/256, *Rex*, 27)
36 *K. B.*, 27/262, *Rex*, 8: 27/263, *Rex*, 7d., 27/264, *Rex*, mm. 3, 16d., 27/265, *Rex*, 30.
37 *Calendar of Patent Rolls*, 1321-24, 302.
38 *Calendar of Chancery Warrants*, 541.
39 *Calendar of Patent Rolls*, 1321-24, 434.

July 17, 1323.[40] As we have seen, Edward was angered by the appointment of Stratford to Winchester, and wanted it reversed, yet soon after this he proceeded to dispose of this benefice of the man whose promotion he would have prevented. On July 22 he gave the archdeaconry to John de Yardley, and two days later granted it similarly to Robert Baldok.[41] This case has several obscurities, and this double grant by the king is one of them. Reference to Yardley as archdeacon continues to be made, yet no revocation of the grant to Baldok appears. One suspects that the benefice was intended for him ultimately, but that meanwhile Yardley was to take the risk and opprobrium as "double."[42] About this time Edward wrote to the pope concerning Baldok's difficulty with another disputed prebend, Aylesbury, yet without a word about what one would have expected to be of greater consequence, the archdeaconry of Lincoln.[43] The king was most desirous that the pope promote the Chancellor to a bishopric, but as Baldok did not have the confidence of the holy see, he could ill afford to bring him more adverse publicity than he already had.

In due course Edward brought his case to the Court of King's Bench. Stratford had been appointed to Winchester on June 20,[44] and the archdeaconry was disposed of on July 17. In the Michaelmas term following, the king entered suit of recovery against the bishop of Lincoln. Three times the bishop failed to come, and then the case was reviewed and decision given to the king.[45] Prohibitions against disturbance were issued in September, 1323, and in May, 1324, but in each instance it was Yardley who was named.[46] After Hilary, 1324, the question does not appear in the Rex membranes of the King's Bench Rolls.

Although attempting no active opposition, the pope refused to accept Edward's appointee. The case was complicated by

40 *Calendar of Papal Letters*, II, 231.
41 *Calendar of Patent Rolls*, 1321-24, 328.
42 Where a papal appointment was disputed, resignations were suspect, for another candidate might continue the suit. When Roger de Northburgh gave up the canonry and prebend of Newenham, London, to which Vitalis de Testa had been provided by the pope, his resignation was so regarded. (*Calendar of Papal Letters*, II, 188.)
Untruthfulness was a problem. The archbishop of Canterbury wrote of the prevalence of perjury in law courts, and ordered the bishops to publish the excommunication of all guilty of it. (*Register of Orleton*, 310.)
43 *Foedera*, II, 560.
44 *Ibid.*, 525.
45 *K. B.*, 27/254, *Rex*, mm. 6, 24, 30.
46 *Calendar of Patent Rolls*, 1321-24, 338, 418.

the appearance of another candidate, Hugh de Camera, whose appointment has been dated at 1324.[47] Shortly after the accession of Edward III, this man received the archdeaconry anew, this time by royal grant.[48] The pope, however, continued to recognize Périgord until 1330, when he authorized his resignation in favour of Hugh de Camera.[49] It appears that these two had already been in dispute over the archdeaconry. The appointee of Edward III was probably acceptable enough to John XXII, since in addition to the confidence of the king, he enjoyed that of Berghersh as well.[50] By revoking his father's presentation of William de Clyf to Empryngham, which had been made on the same grounds as his collation to the archdeaconry, the young king seemed to repudiate that basis of presentation.

The king granted to Robert de Ayleston the prebend of Leighton Ecclesia upon Brouneswald, January, 1324.[51] This appointment proved to interfere with the claim of Raymond de Indico, nephew of Cardinal Arnald of St. Mary's, who, some years earlier, had been given a canonry by John with the expectation of a prebend.[52] It appears that his proctor now claimed the prebend of Leighton Church and, finding it occupied, had induced various cardinals to write to the king for him.[53] Edward's letter in reply did not say why he held the advowson, but merely stated that his grant was *ratione temporalium episcopatus Lincolniensis existentium in manu nostra,* a set formula. As a rule, whenever he was exercising the usual *droit de régale,* he said so definitely, and this vague phraseology was doubtless adopted to avoid the direct statement of sequestration.[54] The king wrote this letter in June and a few weeks later warned all ecclesiastics to attempt nothing against De Ayleston.[55] In appointing his man in January he had not troubled to wait until a court judgment should have made his action entirely regular. The bishop of Lincoln had opposed him and was summoned in the Hilary term on writ of *quod permittat presentare* . . . . . .

47 Le Neve, *op. cit.,* II, 44. Citing the *Register of Berghersh,* but not the folio. It does not appear in *Institutions.*
48 *Calendar of Patent Rolls,* 1327-30, 378.
49 *Calendar of Papal Letters,* II, 316.
50 *Calendar of Patent Rolls,* 1327-30, 368.
51 *Calendar of Patent Rolls,* 1321-24, 357.
52 *Foedera,* II, 555: *Calendar of Papal Letters,* II, 151.
53 *Foedera,* II, 555-6.
54 *Ibid.*
55 *Calendar of Patent Rolls,* 1321-24, 437.

ratione temporalium Episcopatus Lincolniensis in manu domini Regis existencium . . The bishop failed to appear and was ordered attached for the quinzaine of Easter. As this did not produce him, a distraint was ordered, but the king's sequestration of his lands made this futile. Berghersh continued to absent himself, and the court declared the king to have recovery.[56]

The bishop did not accept this, however. The usual letter to admit went unheeded, and in the Trinity term he was summoned on writ of *quare non admisit*.[57] Again in Michaelmas he was called, and this time the temporalities were referred to as "lately" in the king's hands.[58] But Edward altered his policy soon afterwards. Another claimant for the benefice made his appearance, one Raymond de Rousillon, for whom a canonry and prebend of Lincoln had been promised in 1316.[59] This man's claim had conflicted with the claims of others, but the promise had been ratified in 1318, and he received the expectation of the next prebend after John de Puy-Barsac should be provided for.[60] This promise now took effect and was recognized by the king, who, in November, 1324, gave him letters of protection as prebendary of Leighton-upon-Brouneswald. Neither he nor his men were to be molested on pretext of any order for the arrest and forfeiture of Frenchmen.[61] Edward did not relent against the bishop who had impeded him, but continued his prosecution down to the Trinity term of his last regnal year.[62]

Another royal presentation to be contested by the pope and the bishop of Lincoln, was that made to the prebend of Castre, in November, 1324.[63] This benefice had also belonged to John de Stratford and became vacant through his promotion to Winchester. John XXII gave it to Archibald de Périgord along with the archdeaconry of Lincoln which Stratford had occupied.[64] Edward could not fail to know the status of this benefice vacated by a bishop papally appointed, yet he issued orders to all churchmen to respect his own right in this.[65] The bishop

56 *K. B.*, 27/256, *Rex*, 24.
57 *K. B.*, 27/257, *Rex*, 1.
58 *K. B.*, 27/258, *Rex*, 29.
59 *Calendar of Papal Letters*, II, 136.
60 *Ibid.*, 170.
61 *Calendar of Patent Rolls*, 1324-27, 53.
62 *K. B.*, 27/265, *Rex*, 17d.
63 *Calendar of Patent Rolls*, 1324-27, 42.
64 *Calendar of Patent Rolls*, 1321-24, 45: *Calendar of Papal Letters*, II, 231.
65 *Calendar of Patent Rolls*, 1324-27, 57.

of Lincoln, however, did not conform, and was therefore summoned for refusal to admit the king's man.[66] This summons did not take effect until the summer of 1326, by which time Berghersh knew that Edward would soon have his hands full of other troubles. The papal candidate continued to receive the recognition of the Roman court and, on his death, John disposed of the benefice.[67]

Edward gave the Hereford prebend of Moreton to John de Denton in the early summer of 1325, and sent his mandate to bishop Orleton to admit.[68] The grant resulted in a suit in the secular court, and the admission of anyone was then forbidden until this should be decided.[69] The king, presently, gave warning against any disturbance of his appointee. The bishop of Hereford had been summoned to the Court of King's Bench on charge of helping the rebel Roger Mortimer, and his temporalities had been given into the king's hands. No attempt was made to conceal the fact that the prebend of Moreton had been vacated by John de Ross on his consecration to the see of Carlisle, an appointment by the pope which would place his vacated benefices under general reservation.[70] There seems to have been no intervention from the court of Rome in this case, nor does further process appear in temporal or spiritual court.

(2) ADVOWSONS OF ALIEN PRIORIES

In the late summer of 1324 hostilities with France led the king to take into his hands the temporalities of alien religious.[71] By doing this he acquired, for the time being, the advowsons which they might be using. The good use that he made of his opportunity is evident from the numerous presentations recorded in the Patent Rolls. Upwards of sixty grants were made in the last two years of his reign to benefices normally in the gift of alien religious houses.

This sequestration was no innovation of Edward II, for his father had done the same thing when at war with France.[72]

66 *K. B.*, 27/265 *Rex*, mm. 7, 31d.
67 *Calendar of Papal Letters*, II, 339.
68 *Register of Orleton*, 326.
69 *Register of Orleton*, 326.
70 *Calendar of Patent Rolls*, 1324-27, 151. Since the promotion of Ross was against the king's wish, the pope may have waived his own claim here in compensation.
71 *Foedera*, II, 574-5.
72 *Calendar of Patent Rolls*, 1317-21, 142.
"Eodem anno dominus rex cepit in manu sua omnes domos religiosiorum alieni-

The son had shown himself ready to accept any possible advantage from such custody even before he himself gave the same order. Always on the look-out for available advowsons, he had learned that the presentation to the church of Arreton, a benefice in the Isle of Wight belonging to the Norman abbey of Lire, could be claimed because of a vacancy during a former French war. He therefore claimed to present on title of the sequestration by his father, and granted the living to William de Carente, May, 1318.[73] Its occupant had been Richard de Clare, who had been holding it as a dispensed pluralist.[74]

The king's presentation coming in 1318 looks very like an attempt to capitalize a pluralist's resignation made in obedience to the constitution *Execrabilis*.[75] That the vacancy occurred in this way becomes evident from an entry in the Calendar of Papal Letters which refers to the later provision to this benefice to Raymund Pelegrini, 1323.[76] Edward changed his mind about his own presentation but just when he did so is not clear. He could not be surprised that John XXII should insist on the disposal of these benefices himself, for competition between crown and papacy for advowsons was fairly active, and a wider field for royal appointments would hardly be an end contemplated in the constitution against pluralists. The king withdrew his opposition and accepted the papal provisor, November, 1323.[77]

Most of Edward's presentations to benefices of alien priories

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genarum, sicut de ordine Clunacensi, de Okeburne et Fescampe, et ceteris alienigenis; et tenuit in manu sua usque ad satisfactionem et certum pretium uniuscujusque per se. Prior de Wilmintone pro domo sua subiit condempnationi reddere iiii^{xx} marcas sterlingorum, c quarteria frumenti et tot avenae, nullo anno determinato. Simili modo et alii, secundum quantitatem possessionum suarum, satisfecerunt.''

(*Annales Paulini*, 313.) The dating is incorrect.

73 *Calendar of Patent Rolls*, 1317-21, 142.

74 *Calendar of Papal Letters*, II, 95, 113.

75 *Corpus Iuris, Extravagantes*, Tit. III, Cap. I.
Common Law allowed a man to hold as many benefices as he could accumulate. An illustration of this is afforded by the case of Rex *vs* Boys. Boys held the church of Harrow after becoming chancellor of Coventry and Lichfield, and the king claimed that in this way Harrow was vacant. Boys pleaded in the royal court that the king was acting on canon law, and was allowed to go *sine die*. (*Year Books of Edward* II, XVI, xxxix ff.)

76 *Calendar of Papal Letters*, II, 230.

77 *Calendar of Patent Rolls*, 1321-24, 354.
A somewhat puzzling feature of this case is the process in the Court of King's Bench after Edward had yielded. The abbot was summoned to the Court of King's Bench in successive terms, on writ of *quod permittat . . . presentare*. A prosecution for taking a case outside the realm or to a court Christian in contempt of a royal prohibition, could be understood, but this is different. The king's acceptance in 1323 expressly stated that it was the abbot's presentation which he ratified. It looks like a hiatus between departments of Chancery. *K. B.*, 27/254, *Rex*, 31:27/255, 17d: 27/256, 25d: 27/257, 8d: 27/260, 27.

must have passed unopposed, but occasionally the possibility of resistance was considered. A grant of the church of Walpole, of the priory of Lewes, made in October, 1324,[78] was reinforced in March by an order to sheriffs and other officials to arrest any who should call it in question.[79] Another collation to a benefice of this house, made in the following autumn, was followed by a prohibition to churchmen.[80]

There was a disposition to resist some of the first presentations which the king attempted after he made his sequestration in 1324, and prosecutions in court resulted. In December, 1324, he gave to John de Thyngden the church of Glenfield in the diocese of Lincoln, which belonged to the priory of Ware.[81] The prior impeded the presentation and was summoned to the Court of King's Bench in the Easter term, 1325.[82] He did not come and the process was resumed in Michaelmas. Again he was absent, but John de Thyngden came and, testifying that he himself had been duly instituted, asked that the prior be prosecuted no further. *Ideo cessit processus adpresans.*[83]

Sometimes the status of vicarage churches called for definition. In November, 1324, the king presented Hude de Herlaston to the vicarage church of Bradepole, normally of the advowson of the priory of Lodore.[84] The prior resisted and was summoned in the ensuing Hilary term on writ of *quod permittat presentare.*[85] Summons and attachment failing to produce him, he was distrained by all his lands.[86] His attorney appeared for him in the Easter term and made his defence.[87] The prior claimed that Bradepole could not be liable to lay patronage since it was annexed as a chapel to his own holding and was spiritual. He himself was *persona,* and as such appointed his own vicars. He claimed, moreover, that it was held in free and perpetual alms.

Adam de Fyncham again represented the king. He argued that the presentation to vicarages or churches of this kind was a temporality, and that the spirituality was what vicars or *per-*

78 *Calendar of Patent Rolls,* 1324-27, 37.
79 *Ibid.,* 106.
80 *Ibid.,* 177, 213.
81 *Ibid.,* 77.
82 *K. B.,* 27/260, *Rex,* 24.
83 *K. B.,* 27/262, *Rex,* 18d.
84 *Calendar of Patent Rolls,* 1324-27, 47.
85 *K. B.,* 27/259, *Rex,* 2.
86 *Ibid., Rex,* 23.
87 *K. B.,* 27/260, *Rex,* 11.

sonae received by virtue of their benefices. The prior, evidently, had little hope of winning in the king's court. He admitted that the last vacancy had occurred while the priory was without a head, and had nothing to say why the king should not present now. The court found for the royal claim.[88]

This decision must have influenced another vicarage case where the king claimed advowson because of the sequestration of the temporalities of an alien priory. In March, 1325, Edward presented John de Folkquardby to the vicarage of the church of Willingdon, the temporalities of the priory of Wilmington being in his hands.[89] That autumn the prior was called to answer for obstructing the presentation.[90] Since the priory was a cell of the Norman abbey of Grestein, the abbot of that house also was summoned for the morrow of St. Martins.[91] There were several postponements through the term, until at length the abbot's attorney arrived to deny that the benefice was vacant in the king's hand.[92]

Again, what was contested was not the king's right to present to a church of sequestered temporalities, but to a vicarage church attached to them. It had already been pleaded in the Bradepole case that the advowson of a vicarage was a spirituality, but the court had held otherwise. Perhaps the abbot and his advisers considered this in the months following. In any event, the continuation in Trinity term reported in the Michaelmas Roll, tells us that the abbot gave up his plea and said he could not deny that the king had the presentation.[93] There were several other grants of Wilmington benefices but they were unopposed.

Still another disputed presentation to a vicarage was that made to Wantage, April, 1325.[94] This church belonged to the priory of Okeburn, a cell of the abbey of Bec, also in Normandy. Opposition to the king's appointment again led to a summons of abbot and prior, Trinity, 1325.[95] Simultaneously

88 *K. B.*, 27/260, *Rex*, 11.
89 *Calendar of Patent Rolls*, 1324-27, 104.
90 *K. B.*, 27/262, *Rex*, 7.
91 *Ibid.*, *Rex*, 14.
92 *K. B.*, 27/262, *Rex*, mm. 18d., 20 d., 37d., 45.
93 *Ibid.*, *Rex*, 45. The case was called in Hilary, 1326, (*K. B.*, 27/263, *Rex*, 22d.) and in Easter an inquisition was ordered to determine if the church was vacant when the king had the temporalities. (*K. B.*, 27/264, *Rex*, 6d.)
94 *Calendar of Patent Rolls*, 1324-27, 113, 115.
95 *K. B.*, 27/261, *Rex*, mm. 3, 17.

suit was entered against one John de Belegrave, for interference while the suit was *sub judice* in the king's court.[96] The abbot, through the prior of Okeburn, made his defence in the Michaelmas court.[97] The prior declared that the abbot himself was *persona* of the vicarage church, and that his predecessors had always held it to their own use and had presented *tamquam ad rem spiritualem.* For the king Adam de Fyncham again contended that advowson was a lay fee and even though the vicarage had been separated its advowson must remain such. He continued that the king's court had recognized this and if the abbot impeded the royal presentation it was in the king's court that his master should have recovery by writ of *quare impedit* or assize of *ultime presentacionis.* On hearing this, the defence changed its plea, and said that the church was not vacant when the priory was in the king's hand. The court appears to have overruled both pleas of the abbot. Scrutiny of rolls showed that the king had had custody of Okeburn temporalities during the quarrel with France, and that the priory gave an annual payment in farm, knights' fees and advowsons remaining with the king. Abbot and prior were therefore ordered to allow the presentation.

Another process illustrates further the second plea entered in the Wantage case. In February, 1325, Edward gave to his clerk, John de Amwell, the church of Westrasen belonging to the alien priory of Holy Trinity, York.[98] The prior resisted the collation and was cited accordingly to the Court of King's Bench in the next Easter term.[99] He did not appear and was therefore attached for the Trinity term.[100] The king now issued mandate for the arrest of any disturbing De Amwell, which mandate took effect.[101] This order was repeated in August.[102] When the case came up in the Trinity term, the prior claimed that the king had given custody of the temporalities for twenty marks per annum.[103] While it was common enough for such custody to be granted for a fine, the inclusion of advowsons would be quite exceptional. Scarcely an instance of such in-

96 *Ibid., Rex,* 10d.
97 *K. B.,* 27/262, *Rex,* 3d.
98 *Calendar of Patent Rolls,* 1324-27, 89.
99 *K. B.,* 27/260, *Rex,* 23.
100 *Ibid.*
101 *Calendar of Patent Rolls,* 1324-27, 114: *Calendar of Close Rolls,* 1323-27, 299.
102 *Calendar of Patent Rolls,* 1324-27, 163.
103 *K. B.,* 27/261, *Rex,* mm. 3-4.

clusion is to be found in the Calendar of Fine Rolls.[104] The plea here made was denied and judgment given to the king.[105]

Two other presentations were contested by alien priories in the year 1326, but neither dispute was serious. The collation to the church of Potton, of the priory of St. Andrew, Northampton, when impeded by the prior, led to the usual summons to the Court of King's Bench.[106] When the hearing took place in the Trinity term, the prior made a complete surrender, denied he had impeded the king, and admitted that the vacancy had occurred when he had had the temporalities.[107]

The other case involved another vicarage church, Wawenswooton, to which Edward had presented in April, 1326.[108] It was called in the Easter and Trinity terms of that year, but the outcome does not appear.[109] The king had little serious trouble in applying his advowson claims in these cases of the alien priories.

(3) BENEFICES RESIGNED BY PLURALISTS

The promulgation in 1317 of John XXII's constitution against pluralism, *Execrabilis,* led to wholesale resignations of benefices in England as elsewhere. It required everyone who held more than one dignity, parsonage, or benefice with cure of souls to resign these within a month, and excepted only cardinals and the sons of kings.[110] It gave the pope a rich harvest of benefices for his servants and favourites, and the English king, who himself had a large civil list to maintain, looked on hungrily. Church livings were indispensable to a ruler whose subjects had a rooted aversion to paying tax-

104 "*When our Lord the King giveth or granteth Land or Manor with the appurtenances, without he make express mention in his deed or writing, of Knights' fees, Advowsons of Churches and Dowers, when they fall, belonging to such Manor or Land, then at this day the King reserveth to himself such Fees, Advowsons and Dowers, albeit that among other persons it hath been observed otherwise.*"
Gibson, E., *Codex Iuris Ecclesiastici Anglicani* (London, 1761), I, 760. Gibson considers the date to be 17 Edward II.

105 *K. B.*, 27/261, *Rex*, 4.

106 *K. B.*, 27/264, *Rex*, 3d.

107 *K. B.*, 27/265, *Rex*, 21d.

108 *Calendar of Patent Rolls*, 1324-27, 255.

109 *K. B.*, 27/264, *Rex*, 17d., 27/265, *Rex*, 15.

110 *Corpus Iuris, Extravagantes*, Tit. III, Cap. I.

es.[111] The king and Council directed a letter to John in which they complained of the reservations that he had made by this measure, and represented that there was great resentment in England.[112] Concurrent letters were sent to a number of cardinals which carried a similar protest, and these letters made the definite charge that patronage rights were violated.[113]

The king wanted a share in the proceeds of this constitution. We have already noticed how, in the Arreton case, he had granted a benefice vacated under it. That the advowson belonged to an alien priory and could be claimed because of an old sequestration, seemed to give the king some prospect of success but he ran aground on the particular claims of John XXII and a provisor, and under pressure revoked his collation.

He was more successful in another attempt. In March, 1318, he presented to the church of Ufford, in the diocese of Lincoln.[114] There is nothing in the Patent Rolls to show by what title Edward claimed it, but from the Calendar of Papal Letters we do learn that a pluralist had been in possession.[115] Two years afterwards, John gave this living to Cardinal Raymund of St. Mary in Cosmedin, whose rank entitled him to unrestricted pluralism.[116]

The king could now expect opposition. A letter of his to the pope, in May, 1321, asked that the cardinal be induced to give up his claim because the advowson belonged to the king and his ancestors.[117] In the following year Edward conferred the benefice on John de Donne.[118] An inquisition by the official of the archdeacon of Northampton satisfied the bishop, who admitted the king's candidate without difficulty.[119] No dispute appears in the Calendar of Papal Letters or the Rolls of the King's Bench, and one concludes that this church actually was of royal patronage, and that the king's established right was accorded precedence over a general reservation, even where a cardinal

111 Important lords such as Edmund of Kent and Thomas of Lancaster were accustomed to paying their servants by such means.
It does not appear, however, that noble families in England had at this time any determinative influence in church affairs or in appointments to important church posts.
112 *Foedera*, II, 354.
113 *Ibid.*, 354-5.
114 *Calendar of Patent Rolls*, 1317-21, 113.
115 *Calendar of Papal Letters*, II, 103, 210.
116 *Calendar of Papal Letters*, II, 210.
117 *Foedera*, II, 449.
118 *Calendar of Patent Rolls*, 1321-24, 182.
119 *Register of Berghersh, Institutions*, f. 166 b.

would have benefited. John de Donne was recognized by the pope as late as 1332.[120]

Many as were Edward's opportunities to provide his clerks with benefices, he seems to have found them inadequate. Important servants of the crown had usually received numerous grants, and where the papal dispensation was needed it had been obtained commonly enough. The constitution *Execrabilis* promised to restrict such pluralism. To be sure, the useful canonries and prebends without cure could still be held *ad libitum,* so that the restriction on pluralism was not really stringent, but such had been the successive extensions of the papal claim to reserve, that, likely enough, there was misgiving about the security of even these exempted benefices. As it was, the king's resources in collation were considerably curtailed, and his complaint to the pope in the summer of 1318 probably held some truth. He then wrote that papal collations were making it harder for him to find benefices for his clerks in Chancery. He asked, therefore, that John de Sandale, bishop of Winchester, be empowered to confer livings in his own bishopric and in others, which were not in the patronage of bishops, this notwithstanding the recent constitution about pluralism.[121]

Even though the king carried his point over the church of Ufford, he must have discovered before long that the pope had no intention of allowing him any important share in the profits of the deprivation of the pluralists.[122] Edward's small part in these becomes apparent from the provisions which followed. Within the next few years there were scores of such appointments in England, yet of those listed as "at the request of the king," there are not half a dozen. True, some of those receiving benefices may have had the king's nomination without it so appearing, but the frequency with which ecclesiastical sponsors are mentioned, suggests that there was no great secrecy. Of twenty-five provisions listed together on pages 180-182 of the

120 *Calendar of Papal Letters,* II, 386.
The pope sometimes revoked a provision which violated the right of a lay patron. He had provided to the rectory of Langneuton, diocese of Durham, but a lay patron had vindicated his own claim in the secular court. (*Calendar of Papal Letters,* II, 200.)

121 *Foedera,* II, 364.

122 Many royal servants were paid by conventual pensions of different kinds. Cf. Apx., 128.
The use by the crown of canon law to disposses pluralists was not yet. Cf. Maitland, F. W., '' 'Execrabilis' in Common Pleas,'' *Collected Papers,* (Cambridge, 1911), III, 54, ff.

Calendar of Papal Letters, not one refers to a request from Edward.[123] Two archdeaconries, *i. e.,* East Riding and Shrewsbury, were placed at the disposal of English churchmen.[124] At the king's wish, James de Berkeley received Huntingdon, but he had standing of his own with the Roman court as a papal chaplain.[125] Edward's request for the archdeaconry of Bedford was honoured, but because of delay he took the matter into his own hands.

A pluralist having resigned this archdeaconry, the pope, at Edward's wish, had provided Thomas de Neville.[126] The letters of appointment were delayed in the papal chancery, and Bishop Dalderby dying before they left, the king presented Edmund de London.[127] John ordered the archbishop of Canterbury, the bishop of Norwich, and the prior of Sempryngham to execute the provision of Thomas. He also notified Edward of this order and asked him not to interfere. This was in July. The month previous, the king had given his prohibition against interference with his own presentee.[128] He was here asserting his usual *droit de régale,* but this time over a benefice declared vacant by a papal constitution. The claim of John to grant a living void at the same time as the see, he resisted. When Thomas took his case to the Roman court, the king ordered his arrest as acting in prejudice of the crown and in contempt of royal prohibition.[129]

A year later Edward was still resisting. He again ordered De Neville's arrest,[130] and his mandate went to sheriffs and others of the county of Bedford to proclaim his prohibition of any disturbance of his own appointee.[131] He had been told that someone had made proclamation through the county that Thomas de Neville was to be attended, rather than Edmund de London. However the pope may have regarded this appointment, the king's man kept his benefice through the remaining years of the reign,[132] and managed to hold it during the uncertainties of the regency of Mortimer and Isabella.[133]

123 *Calendar of Papal Letters,* II.
124 *Ibid.,* 197, 219.
125 Cf. *Supra,* 45.
126 *Calendar of Papal Letters,* II, 193, 205.
127 *Ibid.,* 205.
128 *Calendar of Patent Rolls,* 1317-21, 458.
129 *K. B.,* 27/242, *Rex,* 1, 4.
130 *K. B.,* 27/246, *Rex,* 13d.
131 *Calendar of Patent Rolls,* 1321-24, 3.
132 *Calendar of Patent Rolls,* 1324-27, 302.
133 *Calendar of Patent Rolls,* 1327-30, 440.

(4) UNLICENSED DIVISION OF A BENEFICE, AYLESBURY

In the Aylesbury case the question in dispute was the authority of the crown over the division and disposal of church property. By authority of Nicholas IV, but without the royal licence, the prebend of Aylesbury with the chapel of Milton had been divided. In 1312 the chapel became vacant through the death of Gilbert de Segrave.[134] Clement V claimed that this death occurred within two days' journey of the papal court, so he gave the chapel, as of his own collation, to Gaillard de La Mothe.[135] The entry in the Calendar of Papal Letters makes no mention of any division of the prebend. Apparently, this appointment was unquestioned for seven years. Then Edward learned of the unlicensed division in the time of his father,[136], took the case into the royal court, and there recovered.[137]

In July, 1320, the king gave the united benefice of Aylesbury and Milton to Robert Baldok.[138] Since the dean and chapter did not admit, the bishop was ordered to do so.[139] When Gaillard was called upon to answer why he should not be removed, he appealed to the pope.[140] In the winter following, Edward issued his prohibition against any disturbance of Baldok,[141] and sheriffs were told to arrest anyone who tried to interfere with him.[142] The clergy too had warning of the king's intention to maintain his rights, and were ordered to do nothing against his claim, whatever commission they might receive.[143]

The king's emphatic attitude must have had some effect, for the notary who was approached to draw up the appeal to the papal court, declined to do so because of the royal edict.[144] In August, 1321, John wrote to the king. He pointed out that the division had been made in the time of Edward I and the cardinal had enjoyed seven years peaceful possession; the royal right was in no way infringed. He therefore asked Edward

134 *Calendar of Papal Letters,* II, 214.
135 *Calendar of Papal Letters,* II, 104.
136 *Ibid.,* 214: *Calendar of Close Rolls,* 1318-23, 538: *Foedera,* II, 460,468.
137 *Calendar of Close Rolls,* 1318-23, 538.
138 *Calendar of Patent Rolls,* 1317-21, 453.
139 *Ibid.,* 496.
140 *Calendar of Papal Letters,* II, 215.
141 *Calendar of Patent Rolls,* 1317-21, 559: *Calendar of Chancery Warrants,* 518.
142 *Calendar of Patent Rolls,* 1317-21, 578.
143 *Ibid.,* 601, 1321-24, 35: *Foedera,* II, 452.
144 *Calendar of Papal Letters,* II, 215.

to revoke his measures against the provisor.[145] The king would not agree, but wrote again to John and to various cardinals, including Gaillard de la Mothe, asking them to accept his presentation of Baldok.[146] He claimed on his own behalf the laws of the realm, precedent under his father, and the royal prerogative. He refused altogether to recognize any ecclesiastical jurisdiction in the matter.

In March, 1322, the king sent a special mission to the papal court to solicit promotion for Baldok to the next vacant bishopric, and to inform the pope of the situation at Aylesbury.[147] Next month a prohibition was sent to the archbishop of Canterbury against publication of any sentence against Baldok.[148] Again, in the summer, he sent letters to the pope and to Gaillard.[149] The latter he urged to cease troubling Baldok; in compensation for Milton, he was giving him the much more valuable prebend of Stoke-by-Newark.[150] The cardinal remained dissatisfied and the friction continued.[151] John de Stratford was instructed to reach a settlement at the papal court.[152] The result was in favour of Gaillard, who, after some considerable delay, secured from the king a licence to keep for life the prebend of Aylesbury and portion of Milton.[153] Whether he actually got possession is uncertain, for a papal letter of 1326 informed Reynolds that the pope's intention in absolving Baldok from excommunication was not that he should get the prebend and fruits which Gaillard had recovered from him, but that he might be in a state to receive a benefice. Anything done beyond this was declared null.[154]

Whatever the arrangement about the prebend, the king prosecuted the cardinal for taking the case out of the realm against his prohibition. The case was called in alternate terms

145 *Ibid.*, 214-5.
146 *Foedera*, II, 460, 468, 469.
147 *Ibid.*, 478.
148 *Calendar of Close Rolls*, 1318-23, 538.
Later in the year seven clerks were prosecuted for disobeying this prohibition. (*K. B.*, 27/250, *Rex*, 16.)
149 *Foedera*, II, 491, 493.
150 *Ibid.*, 493, Cf. *Supra*, 87, ff.
151 *Ibid.*, 499.
152 *Ibid.*, 543.
153 *Calendar of Patent Rolls*, 1324-27, 36.
154 *Calendar of Papal Letters*, II, 252.
Robert of Reading disliked Baldok and believed the worst of him. Under the year 1324, he noted his excommunication for his many misdeeds, and added that in spite of this he remained Edward's chancellor. (*Flores. Hist.*, III, 223-4.)

from Michaelmas, 1323, until Michaelmas, 1325,[155] and would appear to be another of the considerable number of inconclusive suits.

155 *K. B.*, 27/254, *Rex*, 21, 27/256, *Rex*, 15, 27/258, *Rex*, 20, 27/260, *Rex*, 24, 27/262, *Rex*, 27d.
In the prohibition of appeals going outside the realm the first is one of the rare instances where the incipit of the writ runs . . . *quare cum secundum legem et consuetudinem* . . .
The inclusion of "*legem*" is unusual at this date. The old claim by indult was still rendered by *consuetudinem*.
For some reason the cardinal's proctor was remiss in rendering account of the benefice, but the adjustment waited until Edward III was on the throne. (*Calendar of Papal Letters*, II, 264.)

CHAPTER VI

SURVEY OF THE PATRONAGE QUESTION UNDER EDWARD II

In this section the emphasis has been upon the disagreements between lay and ecclesiastical authorities over the question of patronage. Such differences were not the usual accompaniments of normal administrative practice, but were due to attempted extensions of jurisdiction beyond the accepted rights of presentation accorded to each other by crown and papacy. As a general rule, customary rights were respected by either side.[1] The usual operation of the *droit de régale, i. e.,* presentation to benefices vacant simultaneously with the see or religious house to which they were attached, was unimpeded by ecclesiastical authorities either English or papal. Edward even presented to benefices vacated by a papally appointed bishop when these were in a diocese void at the time. The royal prerogative of presenting to such benefices two or three years after voidance, was generally accepted. Early in this reign, an English bishop protested against the king's claim to inherit this privilege two years after his accession, but there is little evidence of support for him either from English clergy or from the court of Rome. Certainly his legal victory in the Court of King's Bench became no precedent, and it was very little deterrent to the king. The papal court objected to the retroactive extension of the *droit de régale* only when its own appointees were interested or when an appeal was lodged. As we have seen, in the first five years of Edward's reign there were several attempted collations which pope or cardinals opposed to good effect. After that, the king was more cautious. He avoided frequent presentations of this kind, but did make an occasional one by which he kept his claim alive, such as his grants to Wistowe and Leighton Buzzard, in 1312 and 1318. The first he won by a second presentation by the usual *droit de régale;* in the second he used the same strategy, and it is probable that so long as he remained in power he stood by his claim. His presentation, made in 1318, to the

1 A list of normal presentations that were unopposed would be quite too long to include in this essay even if one could be sure of making it complete.

prebend of Carleton and Thurleby, he also upheld stubbornly, despite opposition from outside the realm. In the case of the archdeaconry of Canterbury, Edward overreached himself. He came out badly here and attempted no more presentations on this title to benefices in which the court of Rome was interested.

Intervention from this court is difficult to estimate. Much of what appears was probably no more than departmental routine. An appeal lodged at the apostolic see by one with or without connection there, would produce the various citations which the English king was always ready to counter by prohibitions.[2] Where such citations were unsupported by special mandates and letters of pope or cardinals, they have not been regarded in this essay as indicating serious opposition from the papal court. Citations without such support accomplished little; the king replied with royal prohibitions and orders to sheriffs to arrest. If, in spite of this, a man did leave the country to answer, he would be summoned for contempt. Such process might be continued against him even after the dispute about the benefice had been settled, and although suits of this kind were usually inconclusive, they could be inconvenient for the offender. The appellant to the Roman court ran a double risk if he had no strong support there. He would have to claim the benefice by himself in the king's court before judges predisposed in the king's favour; and whatever the outcome of this suit, he was open to a charge of taking an advowson case outside the realm in contempt of royal right. Whatever the convictions of churchmen about jurisdiction in advowson suits, there were tangible reasons for accepting that of the king.

There had been a time when the church claimed to adjudicate in advowson disputes and Alexander III had so intimated to the English king.[3] But by the mid-thirteenth century there had been a change in England. In 1267, Archbishop Boniface of Canterbury recognized the right of the king's court to decide the ownership of advowsons, and instructed bishops and prelates to accept its finding.[4] It would be misleading to say of disputes between Edward II and the pope that it was the right

2 The important distinction between letters of provision and *ius ad rem* Geoffrey Barraclough defines in his instructive article, "The Constitution '*Execrabilis*' of Alexander IV" (*English Historical Review*, 1934). It does not appear to have influenced the cases involved here.

3 *Corpus Iuris, Greg.* IX, Lib. II, Tit. I, Cap. iii.

4 Gibson, E., *Codex Iuris Ecclesiastici Anglicani* (London, 1761), I, 791.

to try suits concerning advowson which was the main issue.[5] Certainly it would be misleading in so far as an exclusive papal claim to such authority would be suggested. To be sure, the king often insisted on the cognizance of his court when complaining either of citations outside the realm or of the refusal of the court of Rome to recognize the decisions of his judges, and this insistence might appear to indicate a constant challenge from the holy see. But a claim to try such suits is by no means prominent in papal letters to England. The pope was ready enough to hear appeals when they came, and the papal chancery often sent out its citations, but for every advowson case which led to this intervention there would be at least a dozen which did not. The Rolls of the Courts of King's Bench and Common Pleas have many advowson suits; suits between lay claimants, between clerical claimants, between lay and clerical; suits in which the king might be plaintiff or defendant against layman, churchman, or corporation; suits based on wardship, forfeiture, and voidance, all of which were heard and were decided without any evidence of appeal outside the realm or of intervention from without. The pope may well have considered himself the final arbiter, but for practical purposes such a claim was becoming nominal. For the most part, he confined himself to supporting his own appointees and the cardinals with their protégés. When he did try to intervene actively on behalf of an appellant who had no such claim on him, the king declined to recognize his demands, and this refusal was confirmed by his son on his own accession.[6] An examination of the details of these patronage disputes convinces one that the concern of the pope was not the general claim to try advowson cases, so much as the particular claim to maintain certain appointees in whom the Roman court was interested.

The frequent references in the Patent and Close Rolls to recovery of advowsons by the king may give the impression that his general rights were continually in dispute. Such was not the case. In the first place, the actual claim to recovery may be suspect, as in the case of the Keten prebend.[7] In the second place, when such a question went to court it less frequently represented a denial of the king's general right, than a denial

5 Cf. Ann Deeley, "Papal Provision and Royal Rights of Patronage," *English Historical Review*, 43 (1928), 508.
6 The Rampton case. *Supra*, 70, ff.
7 *Supra*, 72, ff.

of the premises on which he claimed to exercise it in that particular instance. Thus we have found the defence making no challenge of Edward's right to present because of a voidance in the time of his father, but, rather, denying that there had been a simultaneous voidance of benefice and see.

With the important exception of the forfeited bishops, it was usual for the decisions of the king's court to be accepted by the authorities of the church in England. Many of the prohibitions against interference with crown presentees, which one finds in the Calendars of Patent and Close Rolls and of Chancery Warrants, probably were intended as nothing more than general precautions, and had no serious opposition in view. This should be kept in mind, for a reading of this series without examination of individual cases might lead one to suppose that disputes were more frequent and serious than was actually the case. The Court Rolls illustrate this discrepancy still further, and show that collations of the king might be accompanied by his prohibitions yet leave no trace of actual process in court.

Opposition by English churchmen to the claims of the crown seems to have varied according to the pressure from the Roman court, and there is little doubt that even the resistance of the forfeited bishops owed a good deal to support from that quarter. Where the prestige of pope or cardinals was concerned the papal court could be insistent. The popes might intervene actively when appealed to, as in the Rampton dispute: or if a papal provisor was disturbed, as at Carleton and Thurleby: or if a cardinal or his nephew was aggrieved, as in the case of Suth Cave; but otherwise they seem to have raised no objection to the extension of royal prerogative. They rarely intervened over advowsons held by religious houses. As regards the prerogative of the crown, their action was not motivated by any primary concern for the authority of the English episcopacy or for the liberty of the English church. The extension of royal authority over the church in England they suffered so long as their own provisors were left untouched.

It is doubtful if patronage was the most important source of controversy between crown and papacy at this time. The wholesale provisions in the thirteenth century had been a major grievance and the cause of wide resentment, but such a situation would not appear to have obtained in the reign of Edward II. The grievances now were heavy taxation by the pope and cler-

ical immunities at law. The avarice of the court of Rome was the cry of the writers of the fourteenth century no less than of their predecessors in the thirteenth, but it was mainly by means other than provisions that the acquisitiveness of that court now made itself felt. The complaints of the English barons at Carlisle and Stamford had been mostly against the frequent levies of money by papal authority. Such exactions were a common theme of contemporary chroniclers and the chief burden of their lament. Complaints about the tenths of the pope and the procurations of his nuncios far exceed those against collations by the king.[8]

Churchmen appear to have been more concerned about their privileges at law than about abuse of provisions and patronage. The *Gravamina* of the clergy at the Parliament of London, 1309, had very little about advowson but much about jurisdiction of secular courts over clerks and questions of ecclesiastical purview.[9] It was the same with the *Gravamina* of the English Church at the Council of Vienne in 1311-12.[10] There the complaints were about lay encroachment on ecclesiastical jurisdiction, the summoning of clerks and their outlawry,

8 Adam of Murimuth did much complaining about papal appointments. He himself had spent a good deal of time at the Roman court and on diplomatic missions generally, and must have been well informed. He was also closely familiar with English ecclesiastical administration. He had a poor opinion of the financial policy of the popes, and was sarcastic about the constitution *Execrabilis*. It is of interest to note that he himself was one of those deprived by it. (*Register of Orleton*, 186.)
The jeremiad of the "Monk of Malesbury" was more especially over the abuses of the legal system at the papal court. (*Vita Edwardi Secundi*, 197, ff.)

9 Wilkins, *Concilia*, II, 317.
Clement wrote to Reynolds, bishop of Worcester, in 1309, telling him to warn the king of his displeasure at oppressions of the clergy. These must stop. He listed them. King's officials were disturbing papal appointees; there was interference with citations in cases belonging to church courts; nuncios dared not publish bulls and fled the country; papal collectors of fruits were impeded, and one, who had been imprisoned by the sheriff of York, had to buy his freedom; contumacious excommunicates were not being seized; ordinaries were impeded when investigating causes to see how far they were ecclesiastical; ordinaries were afraid to seize ecclesiastics; clergy were brought before secular judges in penitential garb; sometimes these judges absolved; lay juries were swearing to the guilt of clerks; officials were pretending that churches and convents were founded by them and were asserting authority over the inmates; church property was being wasted during custody. The king had not kept his earlier promise to reply to these complaints. (*Foedera*, II, 97.)
Later, Edward told the pope that the Council would be dealing with these complaints and asked him to allow no personal citations pending the meeting, since the nobles would be irritated. (*Ibid.*, 211)

10 Goeller, E., "Die Gravamina auf dem Konzil von Vienne." In *Festgabe für Heinrich Finke* (Münster, 1904).
Ehrle, F., "Ein Bruchstück der Akten des Konzils von Vienne," *Arch. f. Lit-u-Kir.-Gesch.*, 1888, 361-469.

violation of sanctuary, refusal of the lay power to arrest contumacious excommunicates. Abuse of patronage by king or pope does not appear at all.

Any complaint that the appointment of absentee clergy and pensioners would prejudice the charitable or religious purpose of benefices, could be made as well against the king as against the pope. It was well recognized that the king's clerks in Chancery could be non-resident.[11] Other beneficed clerks in his service or in the households of the royal family were liberally dispensed for non-residence. There was quite as much absenteeism by royal servants as by servants of the Roman court. In addition, there were the pensions and sustentations which the king required of religious houses. Yet one finds among the chroniclers a general acquiescence in all this which reflects somewhat upon the sincerity of English protests against absenteeism under papal auspices. Certainly the king had no right to reproach anyone on that score.

Edward had no objection to papal provisions so long as they did not interfere with his own collations. When he protested against the constitution *Execrabilis,* his real grievance was the threatened curtailment of his own resources. The Calendar of Papal Letters testifies to the frequency with which he asked the pope to provide royal clerks. Such requests were a result of the king's financial difficulties and the reluctance of the country to pay taxes. Probably an important reason for the general acquiescence in royal collation to church benefices and the dislike of papal provisions to them, was that the first could be considered a relief from taxation, while the second could not. So long as Edward was unable to provide for his servants out of his own revenue he was to need church livings, and the more these came under papal control the greater was his need to solicit favours at the court of Rome.

It should be observed that the patrons who suffered most from encroachments of king and pope, were churchmen. Lay advowsons were vigorously defended by patrons and respected by jurists. It was not unusual for the king to fail in court in his claim to present to a benefice of which a layman was patron, while there are many revocations of collations that he had actually made. In so far as the presentations of juries can be taken as expressive of public opinion, this

11 Cf. Apx., 129.

would seem to have been impartial as between king and lay lords, and perhaps slightly favorable to the king in his advowson claims against churchmen. True, the clergy were often successful in defending their advowsons in court against the king, but the current was against them, and they held their rights somewhat precariously. General titles seemed secure enough, but there was no calculating royal claims to present at a particular turn, or even to displace an incumbent by reviving an old "right." Assistance from either king or pope against the other would have meant, in all likelihood, a claim by the protector to the right in question. As against the pope, churchmen had no protection. Secular courts might decide advowson suits between English ecclesiastical litigants, but actions by clerks against representatives of the papal court never appear if the king had no interest in the benefice. Papal support against the king there might be, as in the case of the forfeited bishops, where, it should be noted, the pope attempted no claims over the benefices involved. At this date, however, there is little trace of crown support being invoked against the holy see.

In Edward's patronage disputes with the court of Rome there were two factors which must have had considerable influence upon the negotiations; these were the appointment of the English bishops, and the king's own political situation.

Concerning episcopal appointments, Edward nearly always had a request waiting at the apostolic see. We have noticed his concern that an episcopacy favourable to himself should be created. This he preferred to effect by influencing chapter elections, but as papal policy gradually made this more difficult, he took to nominating at the court of Rome itself rather than in the English chapter. No doubt it appeared better to defer to papal provisions and have his nominee appointed securely, than to resist and perhaps lose both papal favour and episcopal appointment. All this meant, however, that he had given hostages to the pope, and could the less afford to cross him in other matters, notably patronage.

The king's political vicissitudes were another embarrassment to him. They began with the barons' dislike of Gaveston and the resulting Ordinances of 1311. The defeat at Bannockburn and the rise of Lancaster to his success at the Lincoln Parliament of 1316 kept Edward weak. The unpopularity of

the Despensers, which so discredited their royal patron, followed. Only for two or three years after the suppression of the dangerous revolt of 1321-22, was the king really strong, and then quarrels with France, and the defection of the queen simultaneous with growing hostility at home, forced him to be more conciliatory towards the court of Rome.

Not too much should be made of this, however. In so far as *droit de régale* was concerned, Edward's forbearance towards papal interests seems to have been more an avoidance of future presentations which might antagonize the pope, than an actual relaxation in cases under dispute. If he gave up the archdeaconry of Canterbury, he had had a very far-fetched claim at the outset. Other disputes continued unabated. He yielded nothing in his claim to the advowsons of the bishops of Lincoln and Hereford.

On the other hand, John XXII could be forbearing on occasion. He was glad enough to see the king humble, but he did not want him too weak.[12] His appointment of Edward's candidates to the English sees, although not always done just as the king wished, no doubt represented such an attitude. And when Edward seized the temporalities of the rebellious bishops, John seems to have realized that while his action was dangerous to ecclesiastical privilege, it was not without provocation, and he did not press his support of the forfeited bishops to the king's serious embarrassment. In a particular case, the disputed prebend of Moreton, vacated *apud sedem* by John de Ross, although Edward presented to it because the Hereford temporalities were sequestered, the pope appears to have raised no objection. In the appropriation of the alien priories he left the king a clear field.

The question of patronage could not have been regarded at this time as England's greatest grievance against the holy see. Rather, the resentment most widely felt was against the direct levies of money and goods. Episcopal registers contain much

12 On Januuary 1, 1324, the archbishop of Canterbury and his bishops sent a letter to the pope about the serious character of the discord with France, and asked him to mediate. (*Register of Drokensford,* 224.)
John tried hard to prevent war between the two countries, and urged not only their kings but also various princes and nuncios to make every effort to reach an agreement.
Coulon, A., *Lettres secrètes et curiales du pape Jean XXII relatives à la France.* Nos. 2010, 2042, 2067, 2130, 2135, 2162, 2165, 2184, 2188, 2194, 2202, *et passim.*

evidence of this feeling, and excommunication for non-payment was of frequent occurrence.[13] Religious conscience in general seems not to have been acutely sensitive. Policies of crown and papacy were judged mainly by their financial incidence. During these years when king and pope were increasing their demands on livings and were extending their authority over the church in this direction as well as in others, the small concern which such policy aroused must be regarded as a significant commentary on contemporary religious interest.[14] One strongly suspects that in church affairs the consideration most prominently before Englishmen was not religious worship or ecclesiastical liberty, but expense.

The significance of the patronage issue does not lie in the importance of the benefices and dignities involved, but in the wider policies which their disposal illustrates. On the part of both king and pope there was a continual increase in the authority claimed over the church in England, against which English churchmen made little headway. There was no St. Hugh or Grosseteste at Lincoln to withstand crown and apostolic see, while the influence which the able Winchelsea at Canterbury would appear to have exerted upon this course of events is unexpectedly small. Reynolds was little more than an agent of the crown and was no successor to the greater archbishop.

In their policy towards the English church, king and pope adopted the practice of dividing the spoils. Edward II was not as strong as John XXII, but he did have an administrative machine at his back that was far from ineffective, while recent protests of the English baronage were clear proof that he should not be pressed too hard. Accordingly, when the king proceeded to extend the *droit de régale,* the papacy contented itself with maintaining its own appointments and allowed the other benefices to him. This was the policy of both Clement and John. English churchmen apparently accepted aggrandizement of this kind with no great anxiety, and it was not for some years that

13 There was a form of commission to absolve from excommunication for non-payment of procurations for nuncios. (*Register of Reynolds,* f. 149.)

14 The clergy of the province of Canterbury protested to the king about the authority which he appeared to claim over the church when he told Reynolds to call them to convocation, 1314. (Wilkins, *Concilia,* II, 442-3.) The date is given in *Lambeth MS* 585/15, as May, 1314. This manuscript is a later transcript. No particular difference appears between this form and others which were received quietly.

they complained about it in good earnest.[15] The resistance of Berghersh and Orleton to presentations by Edward when their temporalities were sequestered, is the refreshing exception to a general passivity. Their case may not have been good in feudal law, and their motives were probably more political than religious, but their stand was a defence of English ecclesiastical liberty.

On the question of patronage Edward was usually on the offensive vis-à-vis the papacy. His success was not remarkable, but he showed more purpose than is generally credited to him. Most of his attempts to dispossess papal protégés were unsuccessful, but he continued to make them, and in some cases held his ground stubbornly even when his enemies were pressing him. Where such crown rights as wardship or jurisdiction in advowson suits were concerned, he refused to give way.

The king's weakest point in his relations with the popes was his constant need of money. If the requirements of his servants caused him to extend his patronage claims, they forced him no less to depend more and more upon papal favours. His desire for loans and church grants by papal authority checked self-assertiveness, and could even drive him into alliance with the pope in the levy of taxes. His own improvidence was a handicap to him but one should not blame that alone. Indirectly the objection of the English people to paying taxes hastened a policy of co-operation by pope and king for the control and taxation of the church in England.

Little has been said about Popes Clement V and John XXII, but their fortunes no less than those of Edward influenced the relations of the two courts.

Clement V was not fortunate in his dealings with European princes. His concessions to Philip the Fair left his own position very weak, and while he was not subservient to the two Edwards, he was amenable to their wishes. On questions of patronage he could be more independent, but one wonders if pressure by cardinals in his own vicinty was a factor in his resistance.

John XXII had several difficult problems to meet. Two years of voidance at the apostolic see had resulted in much dis-

15 Cf. *Calendar of Papal Petitions*, 1342, ff.
As the reign of Edward III progressed, complaints against the king and his servants increased. They ranged from abuse of hospitality to illegal taxation. Crown claims to advowsons were resisted as much by lay patrons as by churchmen.

organization there, and the long and bitter contest over his own election reflects the deep divisions that existed among the upper hierarchy. The financial unwisdom of Clement had caused serious depletion of the treasury. The king of France had been extending his influence over the church; Italy was in a turmoil; Louis of Bavaria was soon to challenge papal authority in the Empire.

Under such handicaps even the most determined pope could not have treated Edward II with a high hand. The support of the English king would have been little help to John but if he could be kept content the resources of the English church would be of value. Edward wanted occasional absolution from inconvenient promises, excommunication of enemies, money, and church livings. Of England, John desired money and control of ecclesiastical patronage. Whatever his wishes, he knew how much he could ask with hope of success, for even among the fractious English lords Edward could get support against extreme claims, while he could always take courage from the examples of Philip the Fair and Louis of Bavaria. Edward could be kept tributary but not subject. His greatest assertiveness came in 1322-24, the period coinciding with Louis' increased power after his victory at Mühldorf. But Edward was as incapable of pressing his advantages in this direction as in political affairs at home. Furthermore, there were no English ecclestiastics of standing who were ready for a national church; what grievances were felt against the papacy were insufficient to suggest such a programme. However they might grumble, the English churchmen accepted the pope's authority and looked to him for promotion.

John had rather the better of the contest for the control of ecclesiastical emolument. His success in episcopal appointment was complete. In patronage, his general respect of lay patrons' rights reduced the possibility of a baronial alliance with the king against him on that issue. John had as good a chance to control ecclesiastical patronage as had Edward, and so long as he had him alone to deal with, he could expect to hold his own. By avoiding extreme claims, he made certain of others. He could not press too hard; with the balance on the continent so delicate, he would only lose by antagonizing the rulers of England. John wanted to strengthen papal control of the church; Edward was sensitive to his own authority. Claims varied with

the opportunity, and one wonders how far each would have gone if free of other embarrassments. As it was, they had to compromise and divide. The English church was probably wealthy enough to stand this, and its obedience was ensured under bishops, most of whom had been in the king's service and now owed their appointment to the pope.

APPENDIX

1 Petition of the prior and monks of Christ Church, Canterbury, for licence to elect a new archbishop.
Ecclesiastical Petitions, File 17.

Excellentissimo principi domino suo domino Edwardo dei gratia Regi Anglie illustri domino Hibernie et Duci Aquitanie devoti sui Henricus permissione divina prior Ecclesie Christi Cantuariensis et eiusdem loci capitulum humile salutem, et in eo vivere et vigere cui servare est regnare. Cum Ecclesia nostra Cantuariensis per mortem bone memorie domini Roberti quondam Cantuariensis archiepiscopus quam dolentes plangimus sit pastoris solacio destituta regie celsitudini vestre universi et singuli affectuose supplicamus quatinus eligendi nobis pontificem licenciam concedatis. Ad quam postulandam dilectos fratres et commonachos nostros Simonem de sancto Paulo et Johannem de Maldone ad excellenciam vestram destinavimus, devote deprecantes ut eos immo potius nosmet ipsos in hac parte, regalis clemencia dignetur exaudire. Valeat vestra Regia maiestas per tempora longiora. Datum in capitulo nostro. Nono Kalendas Junii. Anno domini millesimo trecentesimo terciodecimo.

2 Form of petition for royal licence to elect a new bishop, as prescribed by Lawrence de Somercote in his treatise.
Der Traktat des Laurentius de Somercote über die Vornahme von Bischofswahlen (Weimar, 1907) 28.

Excellentissimo domino H. Dei gratia illustri regi Angliae et domino Yberniae etc. devoti sui G. decanus et capitulum Cicestrense salutem in eo qui dat salutem regibus cum omni reverentia et honore. Sublimitati vestrae praesentibus litteris intimamus, quod felicis recordationis R. quondam episcopus noster viam universae carnis ingressus est. Ne autem ecclesia nostra diutius maneat pastoris solatio destituta, ad vos dirigimus dilectos canonicos nostros N. et N. latores praesentium celsitudini regiae supplicantes, quatenus eligendi licentiam nobis liberaliter concedatis. Valeat et vigeat magnitudo vestra per regna et per longa tempora. Datum etc.

3 The dean and chapter of York notify the king of their election of William de Melton, and ask his assent.
Ecclesiastical Petitions, File 18.

Excellentissimo principi domino Edwardo dei gratia Regi Anglie domino Hibernie et duci Aquitanie, Sui humiles et devoti Decanus et capitulum Eboracensis ecclesie salutem cum omni reverencia et honore. Dominacioni vestre tenore presencium intimamus quod felicis recordacionis Willelmo de Grenefeld quondam Archiepiscopo nostro viam universe carnis ingresso ac concessa nobis a vestra regia celsitudine licencia eligendi nos voluntate unanimi et consensu virum venerabilem et discretum dominum Willelmum de Melton canonicum nostrum latorem presencium nobis elegimus in Archiepiscopum et pastorem. Quo circa eundem Electum Regie celsitudini presentimus devotis precibus suplicando quatinus predicte electioni iure Regium assensum solita benevolencia impendentes litteras vestras super hoc summo pon-

tifici dirigatis. Conservet vos ad regimen populi sui deus per tempora longiora. Datum in capitulo nostro Eboracensi vicesimo tercio die mensis Januarii Anno domini millesimo trecentesimo quintodecimo.

4 Consent of Edward III to the election of Wlfstan to the see of Worcester. September, 1327.
The Register of Reynolds, folio 206 b.

Edwardus dei gratia Rex Anglie Dominus Hibernie et Dux Aquitanie venerabili in Christo patri Waltero eadem gratia archiepiscopo Cantuariensi tocius Anglie primati salutem. Sciatis pro electione nuper celebrata in ecclesia Cathedrali Wygorniensi de Religioso viro fratre Wlfstano eiusdem domus in Episcopum loci illius regium assensum adhibemus et favorem, et hoc vobis tenore presencium significamus ut quod vestrum est in hac parte exequamini. In cuius rei etc. Teste me ipso apud Notingham octavo die Septembris anno regni nostri primo.

The archbishop was afraid to consecrate because it was said that the pope had reserved the see, and despite the king's orders, the monks of Canterbury feared to call on the suffragans to do so after Reynolds's death. Adam de Orleton was appointed by John XXII.

(Willis-Bund, J. W., *Victoria County History, Worcester,* III, 30.)

5 The archbishop of Canterbury informs the king that he has confirmed the election of John de Sandale to the see of Winchester, and asks restoration of the temporalities. September, 1316.
Ecclesiastical Petitions, File 17.

Excellentissimo principi domino suo domino Edwardo dei gratia Regi Anglie illustri, domino Hybernie et duci Aquitanie, Walterus permissione divina Cantuariensis Archiepiscopus tocius Anglie primas, salutem in eo per quem reges regnant et principes dominantur. Quia electionem nuper in ecclesia cathedrali sancti Swithuni Wyntounensi de venerabili viro domino Johanne de Sandale Cancellario vestro in eiusdem loci futurum episcopum celebratam cui assensum regium prebuistis tanquam rite et canonice ac de persona idonea factam confirmavimus, eidem electo administracionem spiritualium diocesis supradicte concessimus iusticia exigente. Excellencie regie supplicamus quatinus de possessionibus et ceteris iuribus temporalibus ad ipsum episcopatum spectantibus quatenus ad ius regium pertinet, favorem benivolum exhibere dignetur regia celsitudo que feliciter in Christo, cum tranquillitatis gaudio, floreat et concrescat. Datum apud Lamehethe decimo Kalendas Octobris Anno domini millesimo trecentesimo sextodecimo.

6 William de la Zouche archbishop of York, tells the king that he has examined and confirmed Thomas de Hatfeld, elect of Durham. June, 1345.

Ecclesiastical Petitions, File 24.
Serenissimo principi et domino suo domino Edwardo dei gratia Regi Anglie et Francie illustri et Domino Hibernie. Wilelmus permissione divina Eboracensis Archiepiscopus Anglie primas sedis apostolice Legatus, salutem in eo cui servire pertinenter est regnare. Excellencie vestre Regie notum facimus per presentes quod presentata nobis electione nuper in capitulo ecclesie

cathedrali Dunolmensi sede episcopali eiusdem per mortem bone memorie domini Ricardi de Bure ultimi Episcopi Dunolmensis vacante facta de venerabili viro domino Thoma de Hatfeld canonico ecclesie nostre beati Petri Eboracensis in ipsius ecclesie Dunolmensis Episcopum et pastorem ipsaque electione persona diligenter per nos examinatis processu que debito, et Iuris ordine iuxta qualitatem ipsius negocii et naturam in omnibus observatis, quia Electionem ipsam de prefato domino Thoma vero utique moribus et scientia insignato ac in spiritualibus et temporalibus circumspecto, invenimus rite et canonice celebratam, ipsam Electionem convocato iurisperitorum consilio, auctoritate nostra metropolitica duximur confirmandum, eidem electo curam et administracionem spiritualium dicte Dunolmensis ecclesie committentes. Vestre igitur celsitudini Regie supplicamus quatinus temporalia ipsius Episcopatus Dunolmensis que dicta sede in vestris existunt manibus prefato Electo confirmato dignetur Regia clemencia librare, et ulterius eidem precipere fieri quod est . . . . . .[1] conservet vos ecclesie et populo suo Deus per tempora longiora. Datum apud Cawode primo die mensis Junii anno domini millesimo ccc° quadragesimo quinto.

7 Archbishop Reynolds notifies the prior of Norwich that he has confirmed Robert de Baldok as bishop. August, 1325.

The Register of Reynolds, folio 278.

Walterus etc dilecto filio Priori ecclesie cathedralis Norwicensis salutem, graciam, benedictionem. Quia nos electionis negocio de venerabili viro magistro Roberto de Baldok Archidiacono Middelsexiae nuper facte in ecclesia Norwicensi in eiusdem loci Episcopum et pastorem libere procedentes, electionem ipsam tamquam canonicam et canonice celebrata habitis et observatis omnibus iuris solempniis que negocii qualitas requirebat rite et canonice . . . . . duximur confirmandam, quemadmodum administracionem ecclesie ac diocesis earundem prout ad electum pertinere noscitur confirmatum liberam sibi committentes vobis mandamus firmiter iniungentes quatenus hec in capitulo ecclesie Norwicensi in presencia fratrum necnon locis aliis coram clero et populo quociens et ubi expedire videbitur pupplicetur et faciatis per alios solempniter publicari, rescribentes nobis quid de hoc feceritis. Cum ex parte dicti domini electi fuerit congrue requisiti. Datum apud Lameth nonodecimo Kalendas Septembris. Anno domini millesimo. ccc° vicesimo quinto.

8 Edward III instructs the abbot of St. Mary's, York, and Henry de Ingelsby to receive the fealty of the elect of Durham, and then to notify the keepers of the temporalities and the escheators of Northumberland and York to make restitution. May, 1345.

Ecclesiastical Petitions, File 24.

Edwardus dei gratia Rex Anglie et Francie et Dominus Hibernie dilectis et fidelibus suis Abbati beate Marie Eboracensi et Henrico de Ingelsby, salutem Sciatis quod cum nos electioni nuper celebrate in ecclesie Dunolmensi de dilecto clerico nostro Thoma de Hatfeld in Episcopum loci illius, petita a nobis super hoc licencia et optenta, regium assensum adhibentes, mandavimus venerabili patri Willelmo Archiepiscopo Eboracensi Anglie primati ut quod suum est in hac parte exequatur. Nos volentes prefatum electum favore prosequi gratiose dedimus vobis et alteri vestrum plenam tenore presencium potestatem fidelitatem ipsius

1 A piece torn out.

Electi cum vobis per literas patentes prefati Archiepiscopi nobis directas constitit dictum Electum in Episcopum Dunolmensem confirmari vice et nomine nostro recipiendi. Et ideo vobis mandamus quod capta fidelitate predicta, custodes temporalium Episcopatus predicti ac Escaetores nostros in comitatibus Northumbrie et Eboraci de eadem fidelitate per vos sic recepta certificetis ut ulterius super restitucionem et liberacionem temporalium predictorum eidem Electo ad mandata nostra fieri faciant, quod eis ex parte nostra imminetur, nosque inde ac de toto facto vestro in hac parte reddatis in Cancellaria nostra sub sigillis nostris distincte et aperte certioris dictas literas patentes prefati Archiepiscopi de confirmacione electionis predicte nobis ut premittitur directas quas per vos recipi volumus nobis mittentes cum hoc brevi. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste me ipso apud Westmonasterium vicesimo quarto die mensis Maii anno regni nostri Anglie undevicesimo regni vero Francie sexto.

On the dorse of the preceding letter is a note that the instructions have been followed. There are one or two holes in the parchment and the writing is badly faded in parts.

Virtute istius potestatis et mandati ego Henricus de Inglesby . . . . . sis literis patentibus venerabilis patris domini Archiepiscopi Eboracensis Anglie primatis domino nostro Regi directis de confirmacione electionis discreti viri domini Thome de Hatfeld in Episcopum Dunolmensem recepi nomine Regis fideliitacionis dicti electi apud Cawode primo die Junii Anno infra scripto et Escaetores regios in comitatibus Eboraci et Northumbrie necnon custodes temporalium dicti Episcopatus de eadem fidelitate sic recepta certificavi. Dicte vero litere predicti Archiepiscopi presentibus sunt conf. . . . . .

No date is given.

9 Papal reservation of the see of Rochester, March, 1317.

The Register of Reynolds, folio 241.

Johannes Episcopus servus servorum dei ad futuram rei memoriam. Cum sicut intelleximus ecclesiam Roffensem per obitum bone memorie Thome ipsius ecclesie Episcopi vacare noscitur ad presentes nos ad bonum statum ipsius ecclesie intendentes provisionem eiusdem ecclesie hac vice certis de causis que ad id nostrum animum induxerunt ordinacioni et disposicioni sedis apostolice auctoritate presencium plenare reservamus. Decernentes ex nunc irritum et inane si secus contra huius nostre reservacionis tenorem per quoscunque scienter vel ignoranter quovis modo contigerit attemptari, et Nulli ergo omnino hominum liceat hanc paginam nostre reservacionis et constitucionis infringere vel ei ausu temerario contraire. Si quis autem hoc attemptare presumpserit indignacionem omnipotentis dei et beatorum Petri et Pauli apostolorum eius se noverit incursurum. Datum Avinioni quartodecimo Kalendas Aprilis. Pontificatus nostri anno primo.

Infra.

Memorandum quod tercio Kalendas Maii publicacio facta fuit apud arcus Londiniis. Et decimo Kalendas Maii subsequenter publicata fuerat apud Roffensem coram monachis.

10 Expenses of the monks of Christ Church, Canterbury, in the election of Thomas Cobham.

"The Expense Accounts of Christ Church Priory." *Lambeth MS.* 242, I, f. 291 b.

In expensis dominorum S. de Sancto Paulo et J. de Maldon euntium ad Regem dovorum pro licencia petenda ab eodem eligendi. xii so.

In expensis dominorum S. de Sancto Paulo et de Northwyco (sic) euntum parysius ad presentandum electionem magistro Thome de Cobham electo et requirendum assensum suum super eadem. xix li. xvii so. vi d.

In expensis S. G. de Bissoppiston et G. Poderel versus curiam Romanam usque parysius et redeund (sic) quando ibidem fuerunt revocati propter reservacionem nobis tunc notificatam per litteras apostolicas super eadem electionem. xvi li. xxii d.

Item pro ii equis emptis ad opus eorundem de domino N. de Gor. viii li. xiii so. iiii d.

Item in expensis domini W. de Northwyco euntis cum electo versus curiam Romanam, Morando et redeundo. xi li. xi so. x d. quadra.

In minutis expensis predictorum fratrum ante arepcionem itineris. xix so. iii d.

Item in decasu cxxx florenorum liberatorum thesaurario per eosdem per iiii so. iid. cuiuslibet unde thesaurarii non habuerunt allocacionem nisi pro quolibet iiii so. xxi so. viii d.

Item in expensis tuskani cursoris versus Parysius per manus Alexandri. xx so.

Summa huius lix li. xvii so. vi d. quadra.[2]

11 Darrein presentement.

From *Common Pleas,* (*C. P., 40/250,* m. 14.)
Assisa venit recognoscendum quis advocatus tempore pacis presentavit ultimam personam que mortua est ad ecclesiam de Lethamstede que vacat etc. et cuius advocacionem Ricardus de Chastillon clamat versus Alanum de Leamington . . . . . etc. Et unde idem Ricardus dicit quod ipsemet ultimo presentavit ad eandem ecclesiam quemdam Thomam Chastillon clericum suum qui ad presentacionem suam fuit admissus et institutus tempore pacis tempore domini Edwardi Regis nunc etc. per cuius mortem predicta ecclesia modo vacat etc et predictus Alanus non venit et habuit diem per essoniam suam hic ad hunc diem postquam summonitus etc. Ideo predicta assisa capit versus eum per defaltam set ponitur in respectum hic usque in octavis purificacionis beate Marie per defectum juratorum . . . nullus venit. Ideo vicecomes habeat corpora juratorum hic etc.

2 The "quadra" has been erased from the total. The addition is made a penny too much. Probably a penny is added for the quadra.
I am uncertain of the expansion of "redeund" in the third item. There is precedent for either gerund or gerundive, but the scribe has indicated nothing. Inconsistencies in spelling are also to be noted.

12 The king claimed an advowson because of wardship of the young heir of Guy of Warwick. The jury found that the prebendary of Fulbrok and not the late earl, had the right to present.

The Coram Rege Rolls, Michaelmas, 1325.
(*K. B., 27/264,* m. 11.)

Idem magister Johannes summonitus fuit ad respondendum domino Regi de placito quod permitteret ipsum dominum Regem presentare idoneam personam ad terciam partem ecclesie sancti Nicholae Warrewik que vacat et ad Regis spectat donacionem racione custodie terre et heredis Guidonis de Bello Campo nuper comitis Warrewikensis in manu domini Regis nunc existencium etc. Et unde idem dominus Rex per Adam de Fyncham qui sequitur pro eo dicit quod predictus Comes qui terram suam de domino Rege tenuit per servicium militare et obiit in homagio etc tempore pacis tempore domini Regis nunc fuit seisitus de advocacione tercie partis ecclesie predicte ut de feodo et iure etc. et presentavit quemdam magistrum Ricardum de Bacheler clericum suum ad eandem qui ad presentacionem suam fuit admissus et institutus in eadem etc. post mortem cuius comitis terre et tenementa feoda et advocaciones ecclesiarum que fuerunt comitis ad manum domini Regis devenerunt racione minoris etatis Guidonis filii et heredis predicti comitis etc. que quidem tercia pars ecclesie predicte per mortem predicti Ricardi Bacheler nuper persone etc vacuit et adhuc vacat terris tenementis feodis et advocacionibus predictis in manu domini Regis existentibus etc. Et sic ad ipsum dominum Regem adpresens pertinet presentare ad eandem. predictus magister Johannes ipsum dominum Regem iniuste impedit etc. in contemptum Regis . . . . . Et hoc paratus est verificare pro domino Rege etc. Et predictus magister Johannes venit et defendit vim et iniure quando etc. Et quicquid etc. Et dicit quod ipse est prebendarius prebende de Fulbrok in ecclesia beate Marie Warrewik, et ad quam advocacio tercie pars ecclesie predicti sancti Nicholae pertinet et quod quidam magister Robertus de Northampton quondam prebendarius ibidem predecessor ipsius Johannis etc fuit seisitus de advocacione tercie partis ecclesie predicti sancti Nicholae ut de iure prebende predicte etc. et presentavit ad eandem terciam partem ecclesie predicte predictum magistrum Ricardum Bacheler clericum qui ad presentacionem suam fuit admissus et institutus in eadem etc. et non ad presentacionem predicti comitis sicut predictus Adam qui sequitur pro domino Rege asserit. Et hoc petit quod inquiratur per patriam. Et predictus Adam qui sequitur pro domino Rege similiter. Ideo veniat inde juratio coram Rege in crastino Ascensionis domini ubicunque etc. Et qui nec etc. . . . . Ad quem diem predictus Adam de Fyncham qui sequitur pro domino Rege et predictus magister Johannes in propria persona sua similiter venit. Et etiam Juratores de villa ab visneto de Warrewik. Qui dicunt super sacramentum suum quod predictus magister Ricarddus Bacheler nuper persona tercie partis ecclesie sancti Nicholae de Warrewik fuit admissus et institutus in eadem ad presentacionem predicti magistri Roberti de Northampton quondam prebendarii prebende de Fulbrok in ecclesie beate Marie de Warrewik predecessoris predicti magistri Johannis de Walcote nunc prebendarii prebende predicte et non ad presentacionem predicti Guidonis de Bello Campo quondam comitis Warrewikensis sicut dominus Rex superius in placitando supponit. Ideo idem magister Johannes de Walcote inde sine die etc.

13 Complaint of John Bush concerning the treatment received over his benefice.

Ancient Petitions, 95/4731.

A nostre seigneur le Roi monstre et prie sun clerc mestre Jehan Bussh ensuit. Sire, il vous souvient du iugement de restitucion qe iauei pur mei en la coure de Rome de ma prouende Deuerwik contre sire Jehan de Hothom ure clerc ore Euesqe Dely la quele iauei tenu peisiblement vi antz par le doun de mun Seigneur tresnoble Rei ure bon pere qi dieu assoile, et que vous voullietz qi ie cessasse de la pursute de cel iugement et qe vous sire ensi ordeinieretz et ferietz qe ou par vous ou par le pape me ferietz auer autre prouende en cele eglise Deuerik et outre ce prouendes es glises de Nicole Salesbire et Londres eant regard as coustages et mises a la muntance de mil liuerees qe ie enmis pur cel iugement auer. Et pur ce Sire qe ie sui obei a votz volentetz come reson est. et riens ne mest encreu par votre ordeinement en defaute du dist sire Jehan qe vous deuereit auer de ce enmentu. Vous pri tresnaturel Seigneur qe vous veuilletz en ceste partie auer ure regard vers mei ou vers mestre Jehan Bussh mun Neueu qi est bacheler en lei selonk ure bon pleisir.

(No date.)

Bush had kept an eye on his rival, Francis Gaytano. He informed the king that he had not paid the tenth from his prebend according to the decree of Boniface VIII. Distrained to appear in court, he had not done so, but was sending his goods out of the country. (*Ancient Petitions 37/1821.*)

14 Rex *vs* the Bishop of Salisbury.

The Court of the King's Bench upholds the bishop in his resistance to Edward II's claim to present because of a voidance in the time of his father.

Coram Rege Rolls, 1309. (*K. B., 27/198,* mm. 9, 53.)

Dominus Rex mandavit breve suum Episcopo Sarisberiensi in hac verba. Edwardus dei gracia etc. venerabili in Christo patri Simoni eadem gracia Episcopo Sarisberiensi salutem. Cum nuper dederimus et concesserimus dilecto clerico nostro magistro Thome de Logore prebendam quam magister Michaelus de Carolis de Neapolio nuper defunctus habuit in ecclesia beate Marie Sarisberiensis vacantem et ad donacionem spectantem racione episcopatus Sarisberiensis nuper vacantis et in manu domini Edwardi quondam Regis Anglie patris nostri existentis habendam cum suis iuribus et pertinenciis quibuscumque vobis pluries mandavimus quod eodem Thome stallum in choro et locum in capitulo racione predicte prebende prout moris est assignari faciatis de quo nichil hactenus fecistis ut accepimus unde plurimum admiramur et monemur vobis iterato mandamus quod eodem clerico nostro stallum in choro et locum in capitulo racione prebende predicte assignari faciatis iuxta tenorem mandatorum nostrorum vobis prius inde directorum. Alioquin vos ipsi sitis coram nobis a die sancti Martini in XV dies ubicunque tunc sumus in Anglia ad respondendum nobis de contemptu predicto necnon ad faciendum et recipiendum ulterius quod curia nostra consideraverit in hac parte. Et habeatis ibi hoc breve. Teste me ipso apud Rilbestayn primo die Novembris anno regni nostri tercio. pretextu cuius brevi idem Episcopus venit et similiter predictus Thomas de Lugore qui sequitur pro domino Regi venit. Et datus est eis dies a die Paschali in tres septimanias ubicunque etc.

(*K. B., 27/198*, m. 53.)
(The bishop appeared by attorney.)

Dicit quod semper paratus fuit et erit obedire mandatis domini Regis in omnibus prout debebit etc. set quoad mandatum istud exequendum videtur sibi quod per tale breve illud exequi non potest, ex quo dominus Rex asserit collacionem prebende predicte ad se pertinere racione Episcopatus predicti vacantis et in manu domini Edwardi quondam Regis Anglie patris sui existentis de qua quidem vacacione de tempore Regis patris etc alterius cuiuscunque predecessoris etc. Rex nunc recordum habere non potest nec recordum facere de aliquibus vacacionibus seu alterius progenitoris acciderunt etc petit quod curia super hoc habeat avisamentum etc. Et habito super hoc avisamento videtur curie quod ex quo dominus Rex sumit sibi titulum conferendi prebendam predictam racione vacacionis Episcopatus etc et in manu domini Edwardi Regis patris etc existentis et secundum legem et consuetudinem regni huc usque in regno usitatas. Dominus Rex recordum habere non potest de aliquibus vacacionibus nisi de hiis que tempore suo acciderint etc dictum est prefato Episcopo quod eat ad presens sine die etc.

15 Petition of William de Bevercote for arrears of pay due him for his work as Chancellor of Scotland.

Ancient Petitions, 34/1660.
A nostre seigneur le Roi et a son conseil prie Guillaum de Bevercote soen clerk qe come DC livres e plus lui soient dues des arrerages de soen fee de MC marcz par an du temps qil ad demore en loffice du chaunceler en Escoce, qe y voillent ordiner coment il purra mentz estre pae de la dite soume par assignement ou en autre manere, issint qil puisse acquiter ses dettes les queus il ad prempte de diuerse gentz en esperaunte de paement auer du Roi des arrerages auantditz.

On Dorse.

Expedita est ista petitio et habet breve suum C libras de liberata in parte. Et postea concordatum est in parliamento Lincolniensis quod habet breve de Libertate de residuo. Coram Rege et magno consilio.

16 The Leighton Buzzard case. Preamble of royal prohibition against citation of William de Ayreminne outside the realm.

The Register of Reynolds, folio 300.
Rex Archiepiscopo. Cum collaciones prebendarum quas in ecclesiis cathedralibus in Regno nostro vacantibus et in manu nostra exeuntibus durantibus vacacionibus ecclesiarum illarum de facto vacare contigerint ad nos ut de iure corone nostre pertineant, discussioque vacacionis huius prebendarum sic vacant ad nos in eodem regno pertineat et non ad alium extra dictum Regnum perfractanda, nosque et progenitores nostri quondam Reges Anglie iure illo in collacione prebendarum sic vacancium et discussione vacacionum earundem usi sumus temporibus retroactis, ac nos nuper prebenda de Leghton Busard in Ecclesia beate Marie Lincolniensis vacante ad nostram donacionem spectantem ratione Episcopatus Lincolniensis tunc vacantis in manu nostra exeuntis, dilecto clero nostro Willelmo de Ayreminne contulimus Regio nostro iure et idem Willelmus virtute collacionis nostre predicte ad prebendam illam per loci ordinarium admissus et in corporalem possessionem eiusdem canonice sit inductus ipsumque sic cum suis iuribus et pertinenciis diutius pacifice tenuerit et adhuc teneat in presenti . . . .

17 Request of Bishop Henry Berghersh to the king, that he remove the lay force that is holding the church of Leighton Buzzard.

Ancient Petitions, 237/11806.

Excellentissimo [Domino] suo Domino Edwardo dei gratia Regi Anglie illustri Domino Hibernie Duci Aquitanie. Henricus eiusdem permissione Lincolniensis Episcopus salutem in eo per quem Reges regnant et principes dominantur. Dominacionis vestre celsitudinem patefacimus per presentes quod quidem laici in ecclesia prebendali de Leghton Bosard nostre diocesis vi et potencia laicali presumptuose se tenent. Nos quominus officii nostri debitum prout ad nos in spiritualibus noscitur pertinere exercere possumus ibidem indebite perturbando. Quo circa excellencie vestre attencius supplicamus quatinus huius vim laicam precipere velitis a dicta ecclesia penitus amoveri. Valeat Regia excellencia in Christo Iesu per tempora diuturna. Datum apud Buckeden quarto Idus Iunii. Anno domini millesimo CCC° vicesimo quinto.

18 Edward II grants to the dean and chapter of Lincoln, custody of the temporalities in times of vacancy for £1,000 per annum, reserving to himself knights' fees and advowsons.

The Register of John Dalderby, Memoranda, folio 342.

Edwardus dei gratia Rex Anglie Dominus Hibernie et Dux Aquitanie omnibus ad quos presentes literae provenirint salutem. Sciatis quod nos attendentes ecclesiam cathedralem beate marie Lincolniensis in vacacionibus eiusdem temporibus preteritis per vastacionem et destructionem boscorum et nemorum ac aliorum ad episcopatum Lincolniensem pertinencium per Escaetores et alios custodes episcopatus illius temporibus progenitorum nostrorum quondam Regum Anglie propter conscienciam et voluntatem eorundem progenitorum dampna quamplurima passam fuisse volentes que ob specialem devocionem quam ad gloriosam virginem mariam cuius honore dicta ecclesia est fundata et grandem affectionem quam ad venerabilem patrem Johannem Episcopum loci illius dilectos nobis in Christo Decanum et Capitulum ac ministros eiusdem ecclesie qui in ipsa deo et gloriose virgini matri sue devote cum honestate commendabili famulantur intime gerimus favore prosequi graciose ac dictam ecclesiam illesam imposteritatem a dampnis huius conservari concessimus eis pro nobis et heredibus nostris quod Decanus et Capitulum ecclesie predicte et eorundem successores in singulis vacacionibus episcopatus predicti quocuius videlicet ipsum episcopatum exnunc vacare contigerit habeant et teneant custodiam episcopatus illius et omnium temporalium eiusdem cum omnibus rebus et bonis ad eundem episcopatum qualitercunque spectantibus adeo plene et integre sicut . . . . Episcopi loci illius episcopatum predictum et temporalia eiusdem cum omnibus rebus et bonis ad eandem pertinentibus sede plena aliquibus retroactis temporibus habere et tenere consueverunt vel nos aut heredes nostri custodiam illam cum omnibus rebus et bonis predictis temporibus vacacionum illarum habere possemus vel deberemus si in manu nostra vel heredum nostrorum retenta fuissent ita quod dicti Decanus et Capitulum de temporalibus bonis et rebus predictis plenam et liberam administracionem habeant et omni modo emolumenta percipiant ac inde dispendere et ordinare possent prout eis melius et utilius videbitur faciendum et prout . . . . Episcopi loci illius inde possent facere ordinare et disponere sede plena aut nos vel heredes nostri inde facere possemus temporibus vacacionum predictorum. Salvis nobis et heredibus nostris feodis militum que tenentur de episcopatu predicto et advocacionibus ecclesiarum cum acciderint

temporibus vacacionum predictarum. Ita quod omnes redditus et servicia annua de feodis predictis in vacacionibus illis proveniencia remaneant. Decano et Capitulo ecclesie supradicte salvis eciam nobis et heredibus nostris escaetis quas accidere contingerint temporibus predictis que quidem escaete singulis huius vacacionibus finitis videlicet post fidelitatem ipsius quem ibidem eligi et confirmari seu prefici contingent in Episcopum nobis vel heredibus nostris factam liberentur et remaneant eidem. Episcopo et successoribus suis Episcopis loci illius imperpetuum sine occasione vel impedimento nostro vel heredum nostrorum quorumcunque. Reddando nobis et heredibus nostris pro qualibet vacacione episcopatus illius si per unum annum integrum duraverit mille libras ad quas Episcopatus illius loci taxatur annuatim. Et si vacacio episcopatus predicti duraverit ultra unum annum tunc . . . Decanus et Capitulum ecclesie illius pro rata temporis quo vacacio illa ultra annum duraverit de predictis mille libris plus solvant et si minore tempore duraverit quam per annum tunc pro rata temporis illius . . . . . Teste me ipso apud Lincolniam primo die februarii anno regni nostri Nono.

19 Bishop Henry Berghersh collates Henry de Iddesworth to the prebend of Bedford Minor.

The Register of Berghersh, Institutions, folio 398.

Vacante prebenda de Bedford Minor in ecclesia Lincolniensi per mortem magistri Johannis de Malville ultimi prebendarii eiusdem . . . . . Episcopus eandem prebendam cum omnibus suis iuribus et pertinenciis universis prius lapsum mensis a tempore vacacionis eiusdem quinto Kalendas Octobris anno domini millesimo trecentesimo vicesimo secundo apud . . . magistro Henrico de Iddesworth clerico salvo iure cuiuslibet contulit intuitu caritatis, presentibus magistro H. de Walmesford et W. de Thadomarton . . . . . et super hoc statim preceptum fuit Decano et Capitulo ecclesie Lincolniensi . . . . eidem magistro Henrico vel procuratori suo eiusdem nomine stallum in choro et locum in Capitulo racione prebende predicte assignarent et in corporalem possessionem prebende predicte inducerent etc.

20 CONVENTUAL PENSIONS

Many royal servants were provided for by conventual pensions. English kings were accustomed to asking religious houses to give pensions and sustentations to such, especially old men going on the retired list. A newly appointed head of a house was expected to make such a gift to the king on his elevation. Such a grant or "corody" is met frequently in the Patent Rolls. Once given, it became a precedent, and refusal to renew it when the beneficiary died, might lead to prosecution in court.

An illustration of this is found in the Rolls of the Court of King's Bench for the Michaelmas term, 1324. The abbot of Abyngdon was summoned for refusing a corody to the king. Edward II had appointed a pensioner in the place of an old appointee of his father who had just died. The abbot declined to have him, declaring that they were already helping the king with others, and they had begun it as a grace in answer to a royal request. They were not bound to give these sustentations since they held their lands and tenements by other services.[3]

The king's attorney made no reply to this plea directly. He claimed, rather, that this grant had been made from time immemorial and that custom had made it an established right. The abbot did not give satisfaction, and the case was called in succeeding terms until his resistance was worn down and he yielded.[4]

Without some search it would be hazardous to say what proportion of the pensions and corodies granted by an average house would be to nominees of the royal family. In Glastonbury in 1324, it was one in three.[5] Such demands were considered burdensome, and frequent complaints led to promises of redress, the fulfilment of which is by no means certain.[6]

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3 *K. B.*, 27/258, *Rex*, 40 d.

4 *K. B.*, 27/258, *Rex*, 40 d. A continuation with these particulars is appended to the Michaelmas Roll. The writing is of a different hand.
Cases of pensions and corodies are to be found in the Rex membranes of King's Bench Rolls, *K. B.*, 27/255, 256, 258-260, 262. There was an increase after 1323. Some few letters concerning sustentations appear in *Ancient Correspondence*, 32-33.

5 *Lord Treasurer's Remembrancer, Mem. bef. Com. St. Hil.*, 17 *Edward* II. E., 368/94. (Membranes not numbered.) Cf. next page.

6 Cf. *Articuli Clerici*, 9 *Edward* II, Cap. xi: *Statutes* 1 *Edward* III, Cap. x.

21 Nicholas de Wedersgrave, custodian of the abbey of Glastonbury at its last vacancy, 1322, was called before a commission in the Exchequer in the Hilary term, 1324, to answer for his administration. A list of the corodies of the house was prepared, eighteen in number, and those which had been given at the request of the king or queen have been transcribed.

The Lord Treasurer's Remembrancer, 17 Ed. II. (*E 368/94.*)

Thomas Cokerel ad rogatum domini Regis Edwardi patris domini Regis qui nunc est feoffatus fuit ad terminum vite sue per factum dictorum G Abbatis et Conventus die Iovis proxima post festum Sancti Petri Advincula anno eiusdem Regis Edwardi patris et percepit annuatim x li videlicet per diem vi. d. ob.

Robertus le Ussher ad rogatum domini Regis presentis feoffatus fuit ad terminum vite sue per factum dictorum G Abbatis et Conventus die Lune proxima ante festum Paschalis anno nono regni Regis Edwardi presentis et percepit annuatim C si. videlicet per diem iii. d. quartam.

Galfridus Hakeneye feoffatus fuit ad terminum vite sue per factum predictorum G Abbatis et Conventus ad rogatum domini Regis Edwardi patris Regis qui nunc est die sancti Alphege anno dicti Regis patris et percepit annuatim v marcas videlicet per diem ii. d. quartam.

Willelmus de Hodocate feoffatus fuit ad terminum vite sue per factum predictorum G Abbatis et Conventus ad rogatum domini Regis die Mercurii proxima post festum Purificacionis beate Marie anno xv° dicti Regis presentis et percepit quolibet die duos albos panes et unam lagenam cervisie [et unum] ferculum carnis vel piscis pro qualitate diei ad valorem per annum xl. s. videlicet per diem [i d. ob.]

Johannes de Leygham feoffatus fuit ad terminum vite sue per factum predictorum G Abbatis et Conventus die Iovis proxima ante festum sanctarum Perpetue et Felicitatis anno Regis presentis ad rogatum domine Isabelle Regine et percepit unam robam annuatim et [v marcas] videlicet per diem ii. d. quartam.

Isambertus de Glynnudo feoffatus fuit ad terminum vite sue per factum predictorum G Abbatis et Conventus ad rogatum predicte Regine die Sabbati proxima post festum omnium sanctorum anno ix° dicti Regis presentis et percepit annuatim xl sol [i d. quartam. per] diem.

In some cases the year was illegible.

22 Reminder of the king to the Archbishop of Canterbury that his clerks are exempt from personal residence in their benefices.

The Register of Reynolds, folio 307.

Edwardus etc W Archiepiscopo Cantuariensi, salutem Cum clerici nostri ad faciendam in suis beneficiis residenciam personalem dum nostris immorantur obsequiis compelli aut alias molestari vel inquietari non debeant, Nosque et progenitores nostri quondam Reges Anglie huius libertate seu privilegio pro clericis nostris a tempore quo non existit memoria usi sumus. vobis mandamus quatenus dilectum clericum nostrum Thomam de Whatton personam ecclesie de Oteryngdonne vestre diocesis qui nostris igitur intendit obsequiis ad personalem residenciam in beneficio suo predicto faciendam dum eisdem obsequiis immoratur nullatenus compellatis. Et sequestrum si quod in fructibus beneficii sui predicti ea occasione per vos aut vestros fuerit appositum sine dilacione relaxari faciatis. Teste me ipso apud turrim Londoniarum xiii° die Aprilis anno regni nostri sextodecimo.

23 THE BISHOPS AND THE REBELLION OF 1321-22

A formidable coalition of lords revolted against Edward in the autumn of 1321. Their anger was chiefly against the curialist party led by the Despensers, whose aggression in South Wales had become their crowning offence. Lancaster joined the coalition with his own grievances, and their united power forced the king to agree to the exile of the offending Despensers. These soon returned, however, and Edward re-asserted himself with vigour. A Welsh rising against Mortimer of Chirk helped the king to defeat his enemies in the West, and the victory at Boroughbridge completed the work in the North.

The bishops of Bath and Wells, Hereford, and Lincoln sided with the rebels. The part of John of Drokensford does not appear, but Orleton and Berghersh were prominent in the barons' councils. The king regretted his request for the promotion of Berghersh to Lincoln. In December, 1321, he wrote to the pope that he had been deceived by the importunity of his sponsors, and now would like him removed.[7] He sent a mission to the papal court and asked a number of cardinals to hear it favourably. In February he sent another letter, again complaining about Berghersh, and declaring that his removal was necessary for the re-establishment of peace.[8] He commended Baldok and Ayreminne, and asked that the former succeed at Lincoln.

John sympathized with the king and wrote the bishop to end his encouragement of the rebels.[9] To the king he sent his assurance that he would not interfere with the rights of the crown, and asked him to respect those of the church.[10] In response to Edward's request he sent to the two archbishops a mandate to absolve from their oaths all who had plotted against the Despensers, and the primate and the bishops of Winchester and Ely were commissioned to publish the excommunication of nobles who attacked the king.[11]

Edward wanted more than this, however. He had no wish that disaffected bishops should continue in their sees, and asked

7 *Foedera*, II, 464.
8 *Foedera*, II, 476.
9 *Calendar of Papal Letters*, II, 448.
10 *Ibid.*
11 *Ibid.*: *Foedera*, II, 484.

the pope to translate them out of the country.[12] He also desired the king of France to write to the apostolic see against Berghersh who was said to have been soliciting testimonials at the French court.[13] In April, 1323, Edward complained to John that he had not yet acted against the bishops of Lincoln and of Bath and Wells.[14] Adam de Murimuth was sent to the Roman court in August, charged with this business.[15] In September John replied that without hearing these bishops he could not depose them, but he was ready to hear any accusation canonically made.[16] Next month Edward renewed his request for the removal of Drokensford, and nominated the abbot of Langdon to take his place.[17] Again the pope refused these requests, and wrote to the Despensers to persuade the king to end them.[18] Late in 1324 he cited Berghersh to the papal court, and asked Edward to give him a safe conduct.[19] The exchange of letters continued through the year 1325, and John wrote to various notables having influence with the king, to exert themselves on behalf of the bishops.[20] It was the king on whom he put pressure for a reconciliation, however, and while the bishop of Hereford was advised to act with humility,[21] there is no evidence of papal censure for the three offending prelates.

All this time the king was using his own courts, chiefly against Orleton. In the summer of 1322, before this bishop was formally accused of treason, the king brought suit against him for illegal excommunication.[22] There was an old indult of the pope that the king and his family should not be excommunicated except by papal authority.[23] Edward now charged Orleton with disregard of this in that he had given such sentence against his brother Edmund for entering his park and taking game. He cited the bishop before him. Appearing before the Court of King's Bench in Michaelmas Orleton denied the charge and put himself on jury.[24] The case suffered interminable adjournments,

12 *Ibid.*, 504.
13 *Ibid.*, 510.
14 *Foedera*, II, 515.
15 *Ibid.*, 531.
16 *Ibid.*, 536: *Calendar of Papal Letters*, II, 456.
17 *Foedera*, II, 537.
18 *Ibid.*, 540: *Calendar of Papal Letters*, II, 457.
19 *Ibid.*, 475.
20 *Ibid.*, 468: *Foedera*, II, 601.
21 *Calendar of Papal Letters*, II, 472.
22 *Ancient Correspondence*, 32/118.
23 *Public Record Office, Lists and Indexes, "Papal Bulls."* 222, 227.
24 *K. B.*, 27/250, *Rex*, 16 d.

and in the Hilary term, 1326, was again postponed into the Trinity term, *quod dominus Rex nondum informatur ad placitandum.*[25] Orleton would be safe enough then.

In 1323-24 a special Assize for the rebellion was held on the Western Circuit by Staunton and his associates.[26] A large number of men were charged with having supported the rebels, and several churchmen had to answer for sending retainers. A canon of Hereford, James de Henle, was so accused but was freed by jury.[27] Orleton was more seriously implicated, for not only was he found guilty of sending armed men to Roger Mortimer, but he had held a colloquy with him and sent him support in full knowledge of his intentions.[28] On his attachment, the bishop said it was too serious to be discussed in that court, and declared he could not reply *absque offensa divine et sancte ecclesie.* Among Ancient Petitions is an undated letter of his referring to this process before Staunton, which had later been given into the care of Geoffrey Scrope.[29] He asked to have the matter brought up in Parliament to be determined there. He wanted his lands restored if the charge was found to be in error. Orleton received the usual summons to Parliament in the winter, 1323-24,[30] but according to the king's letter of April 1, he refused to answer. The archbishop and bishops claimed him, so he was given over to the ecclesiastical court, *ob reverentiam episcopalis ordinis.*[31]

Other prelates had to answer in the Court of Assize. The prior of Lanthony, Gloucester, was accused of sending help to the rebels, and the sub-prior and four canons swore he had wanted the chapter to pray for their success.[32] In this court the prior put himself on the king's mercy, and the case went to the King's Bench, in Hilary, 1324. There he was found guilty and forbidden to enter the priory.[33] The abbot of Winchcombe was also accused of sending a man to Roger Mortimer, but the jury found that at the time he did not know he was in rebellion.[34]

25 *K. B.*, 27/263, *Rex*, 22.
26 *Assize Rolls*, 1388.
27 *Ibid.*, m. 2.
28 *Ibid.*, mm. 3, 5.
29 *Ancient Petitions*, 161/8043. Scrope was a judge of the King's Bench.
30 *Register of Orleton*, 273.
31 *Foedera*, II, 550.
Lesser clerks might be found guilty by lay juries, and not always were those whom the bishop claimed, given up. (*Gaol Delivery Rolls*, 116. *Hereford*, m. 2 d.)
32 *Assize Rolls*, 1388, m. 8.
33 *Abbreviatio Placitorum*, 345-6. From *K. B.*, 27/255, m. 87.
34 *Assize Rolls*, 1388, m. 9.

The abbot of St. Peter's, Gloucester, was similarly charged and acquitted.[35]

Through the disaffected districts the clergy in general stood aloof from the revolt. In the Assize Rolls and King's Bench Rolls long lists are found of men implicated, but very few were clerks. Lists of forty and sixty names are there in which none appear at all. This is rather remarkable when one considers that the bishop of Hereford was supporting the rebellion, and the important lords of the west were in it. It points to the essentially baronial character of the rising. At the time the pope had not been concerning himself with it.

24 Edward II reprimands the bishop of Hereford for excommunicating him and refusing to answer for it.

Ancient Correspondence, 32/118.

Venerabili in Christo patri A eadem gratia Episcopo Herefordensi salutem. Cum nos nuper per partes Herefordensis pro diversis negociis nos et statum regni nostri tangentibus transeuntes dilecto fideli nostro Edmundo Comiti Cancie fratri nostro carissimo et aliis fidelibus nostris tunc nobis assistentibus, precepissemus prout racione dignitatis nostre regie nobis licuit ut quosdam parcos vestros intraverunt et feras pro nostro et eiusdem fratris nostri solacio caperent in eisdem, Vos ut ex relatu plurum accepimus premissa scientes, non habito respectu ad dignitatem nostram regiam sentenciam excommunicacionis in omnes illos qui parcos vestros predictos taliter intraverunt et feras in eisdem ceperunt, et per quorum preceptum id fecerunt non excipiendo personam nostram in hac parte quamquam a sede apostolica nobis indultum quod nos seu consors nostra vel liberi nostri in aliquas sentencias absque mandato summi pontificis speciali nullomodo dari debeamus, fulminari fecistis in nostri scandalum et contemptum et dignitates nostre prejudicium manifestum, per quod vobis mandavimus sub gravi forisfactura nostra firmiter iniungentes quatinus sentenciam predictam taliter nimis proinde latam et quicquid ex ea vobis ob eam secutum fuit, sine dilacione revocari faceretis et nichilominus quod vos ipsi in propria persona vestra essetis coram nobis in crastino Assumptionis beate marie virginis proximo preterito ubicunque tunc fuissemus ad respondendum nobis de contemptu et prejudicio supradictis. Ac vos premissa facere vel . . . . . coram nobis metipsis ad diem predictum venire non curavistis de quo quamplurimum non immerito commovemur. Vobis iterato mandamus sub forisfactura nostra firmiter iniungentes quatinus sentenciam predictam et quicquid ex ea vobis ob eam sequitur sine dilacione revocari facere. Et nichilominus in propria persona vestra sitis coram nobis metipsis die dominica proxima post festum sancti martini proximum futurum ubicunque tunc fuerimus . . . . ad respondendum nobis de contemptu et prejudicio supradictis. Et habeatis hoc breve coram Rege apud Novum Castrum super Tynam xxiii die Sept. anno regni etc. sextodecimo.

35 *Ibid.*

25 Presentation of the jury concerning Orleton's help of the rebels.

Assize Rolls, 1388, m. 5.

It recounts the violence of Mortimer and others, who went to Bosebury . . . . . ,
. . . . . ubi Adam Episcopus Herefordensis fuit qui extunc exstitit de concordia et adhaerencia predicti Rogeri et ibidem habuerunt colloqium secretum adiunctum et habito consilio inter eos idem Rogerus cum toto exercitu suo predicto abinde recessit . . . . . In crastino die sequente idem Episcopus existens apud Bosebury misit prefato Rogero in afforciamentum exercitus sui predicti apud Ledbury quosdem homines ad arma cum equitaturis ipsius Episcopi, scilicet Howelum le Walsshe de Went, Willelmum de Shoppedon, Ricardum de Chabbenore, John Athelwy, Tristam marescallum ipsius Episcopi, Ricardum filium Gilberti Talebot et Gilbertum fratrum eius, Gilbertum atte Naseby et Thomam filium Thome de Fulford, quorum adventum predictus Rogerus cum toto exercitu suo predicto exspectavit ibidem. Et cum homines ipsius Episcopi venissent ibidem ad prefatum Rogerum omnes unanimi assensu exinde transierunt ulterius in comitatu predicto in una comitiva versus Gloucestriam et alibi ad in itineribus suis transgressiones diversas domino Regi et populo suo contra pacem Regis perpetrandas. Ideo preceptum est vicecomiti quod attachiret predictum Episcopum etc. Postea venit predictus Episcopus et allocutus pro Justiciariis super premissis qualiter se velit acquietare dicit quod ipse est Episcopus Herefordensis ad voluntatem dei et summi pontificis, et quod materia articulorum predictorum sibi impositorum adeo ardua est, quod ipse non debet in curia hic super predictis sibi impositis respondere nec inde respondere potest absque offensa divina et sancte ecclesie. Ideo dictum est eidem Episcopo quod ipse personaliter de die in diem intersit coram Justiciario hic etc. . . . .

26 A clerk of the king charged with helping Lancaster in his rebellion and preaching against Edward.

Coram Rege Rolls, K. B., 27/254, Rex, m. 19.

A special inquisition reported at the end.

Idem juratio presentavit quod Robertus de Cliderhou persona ecclesie de Wygan qui iam per xxx annos clericus de cancellaria domini Regis et postea Escaetor domini Regis nunc citra Trentam exstiterat misit dicto comiti Lancastrie in auxilium ipsius comitis contra dominum Regem ad custagia ipsius Roberti duos homines ad arma cum bona equitatura scilicet Adam de Cliderhou filium ipsius Roberti et Johannem filium Johannis de Knolle et cum ipsis quatuor homines pedites fortes et potentes cum gladiis cultellis arcubus et sagetis armatos—Et quod idem Robertus per quendam diem solempne in ecclesia sua de Wygan in conspectu totius populi predicando dixit parochianis suis et aliis ibidem existentibus quod ipsi fuerunt ligii homines ipsius comitis et per ligianciam suam tenebantur eidem comiti auxilium impendere in imprisa sua quam inceperat contra Regem affirmando et iure iurando suo pericula quod imprisa ipsius comitis iusta fuit et imprisa domini Regis iniusta dicens se velle absolvere omnes in auxilium ipsius comitis adire volentes ab omnibus peccatis et sic per predicacionem et sermones suos excitavit abbetavit procuravit et consuluit modis omnibus quibus scivit et potuit homines ad eundum contra Regem per quod plures adibant contra Regem qui prius ire non intendebant. etc. Et predictus Robertus presens in curia super premissis retentus allocutur qualiter se velit inde acquietare, dicit quod ipse per quendam diem solempne

in ecclesia sua predicta predicando rogavit parochianos suos quod ipsi orarent pro domino Rege pace et statu regni, et pro comitibus et baronibus regni et quod deus inter eos ita ordinaret et disponeret quod pax et tranquillitas regni in omnibus observaret et dicit quod ipse nichil aliud predicavit. Dicit etiam quod ipse non misit aliquos homines ad arma nec homines pedites in auxilium dicti comitis contra dominum Regem sicut ei impositum est. Et de hoc ponit se super patriam etc. Et juratores ad hoc electi et triati scilicet Baldwinus de Tynes, Johannes de Kyrkeby milites, Gilbertus de Scaresbrek, W de Coudray, Alanus de Rykkeston, Robertus de Sannky, Willelmus de Standissh, Johannes de Cophull, Johannes de Ashton, Johannes Banastre del Bouks, Johannes de Heskeyth et Adam Aswel dicunt super sacramentum suum quod predictus Robertus de Cliderhou misit predicto comiti predictos duos homines ad arma et quatuor homines pedites in auxilium ipsius comitis contra dominum Regem ad custagiam ipsius Roberti et quod in ecclesia sua predicta predicavit contra dominum Regem prout superius presentatum est. Ideo idem Robertus de C committitur prisone etc.

Later, he found bail at 1,000 marks. Eventually he appeared in court and made fine of £200.

27 A royal prohibition against holding a plea of trespass in the Court Christian.

The Register of Reynolds, folio 308.

Edwardus etc archiepiscopo Cantuariensi etc salutem. Cum placita de transgressionibus contra pacem nostram factis in Regno nostro ad coronam et dignitatem nostram specialiter pertineant, ac vos Johannem Pikard vicarium ecclesie de Centerdenne super his transgressionibus trahatis in placitum in curia Christianitatis in lesionem corone et dignitatis nostre et grave dampnium ipsius Johannis sicut ex relatu plurimum accepimus vobis prohibemus ne placitum illud sequamini in curia Christianitatis maxime cum huius placita ad nos et non ad alium pertineant in eodem Regno, ac nos super hiis et aliis quorum cognicio ad nos pertinet parati simus vobis et aliis quibuscunque in curia nostra plenam et celerem iusticiam exhibere.

Teste me ipso apud Notingham. XIII° die Novembris, anno regni nostri decimo septimo.

28 A consultation granted.

The Register of Reynolds, folio 308 b.

Edwardus etc W Archiepiscopo Cantuariensi etc salutem. Ex parte vestra nobis extitit intimatet ut cum vos nuper Johannem Pickard vicarium ecclesie de Centerdenne vestre diocesis super eo quod in vicaria sua predicta prout per iuramentum suum artatus fuerat non resedit et etiam incontinencia et aliis hiis diversis quorum cognicio ad forum ecclesiasticum inire dinoscitur pertinere, coram vobis in curia Christianitatis ex officio vestro fecissetis evocari ad correctionem anime sue et ad honorem dei, et ecclesie sancte versus ipsum procedendum quidam cognicionem predictum machiliantes impedire asserentes quod placitum predictum in curia Christianitatis esse de transgressionibus contra pacem nostram factis, quoddam breve nostrum de prohibicione inde in curia nostra impetraverunt, et vobis ne predictum Johannem super hiis transgressionibus traheretis in placitum in curia Christianitatis dirigi procuraverunt cuius pretextu vos in dicto negocio de residencia incontinencia et aliis versus prefatum Jo-

hannem in curia Christianitatis procedere distulistis et adhuc differtis per quod ex parte vestra nobis est supplicatum ut remedium in hac parte fieri facere curaremus. Et quia nolimus quod cognicio que ad forum ecclesiasticum pertinet sic predictum est per huius brevia nostra indebite impediatur et vobis significamus quod in dicto negocio de residencia incontinencia ac aliis hiis quorum cognicio ad forum ecclesiasticum inere pertinet facere poteritis in curia Christianitatis quod ad forum ecclesiasticum noveritis pertinere dicta prohibicione non obstante. Teste me ipso apud Ravenesdal viii° die Decembris anno regni nostro decimo septimo.

29 Demand of the bishop of London for the release of a clerk.

Ancient Correspondence, 33, 11.

Excellentissimo principi domino suo domino Edwardo dei gratia Regi Anglie illustri Domino Hibernie et Duci Aquitanie. Radulphus permissione divina episcopus Londoniensis [salutem in eo per] quem Reges regnant et principes dominantur. Quia per inquisicionem de speciali mandato nostro solempniter inde factam recepimus quod Philipus . . . . . London clericus est et pro clerico habitus et tam habitu quam tonsura pro clerico se gerebat et quod pro quodam debito pecuniario captus est et . . . . . Londonias traductus contra regni statuti tenorem, in quo continetur quod clerici pro huiusmodi debitis sicut laici nullatenus capiantur. Celsitudini regie humiliter supplicamus quatinus pro ipsius clerici liberacione remedium iuxta tenorem eiusdem statuti impendere velitis oportunum. Vestram conservet excellenciam . . . ad populi sui regimen per tempora diuturna. Datum apud Chelmeresford tercio Kalendas Aprilis Anno domini Millesimo Trecentesimo Octavo.

(The document is faded at the right hand side.)

30 Protest of the bishop of St. Asaph against a violation of Sanctuary.

Ancient Correspondence, 33, 124.

Excellentissimo principi domino suo domino Edwardo dei gratia illustri Regi Anglie Domino Hibernie et Duci Aquitanie. suus devocius Cappelanus David eiusdem permissione Assavensis Episcopus salutem in eo per quem Reges regnant et principes tenent terras. Regie celsitudini tenore presentium significamus quod cum Ievan ap Madoc de Edeyrnyon pro reatu homicidii sic importune ad ecclesiam de Landerillo nostre diocesis pro optinenda ipsius ecclesie immunitate confugisset, quidam ipsius Ievan inimici ad dictam ecclesiam accidentes ac ecclesiastice immunitati non deferentes ipsum ab eadem ecclesia per violenciam abstraxerunt et domino justiciario Northwall liberarunt carceri domini Regis mancipandum. Ubi adhuc carcere manet inclusus quod non est dubitum in prejudicium redundare ecclesiastice libertatis. Et licet nos dictum justiciarium cum debita instancia requisiverimus pro restitucione dicti incarcerati predicte ecclesie faciendi dictus tamen justiciarius ipsum sic abstractum ecclesie predicte restituere recusavit. Hinc est quod Regiam clemenciam devotis precibus exoramus quatinus pro iure immunitatis eclesiastice conservanto ipsum confugam sic violenter abstractum ecclesiastice restitui faciat immunitati. Ad regimen populi sui statum Regni conservet altissimus et dirigat in honore per tempora diuturna. Datum apud Alltoyet xiii° Kalendas Februarii. anno domini millesimo ccc° quintodecimo.

31 The King orders the archbishop of Canterbury to release a prisoner who has offered satisfaction for his ecclesiastical offence.

The Register of Reynolds, folio 305 b.

Edwardus dei gratia Rex Anglie Dominus Hibernie Dux Aquitanie Venerabili in Christo patri W eadem gratia Cantuariensi Archiepiscopo tocius Anglie primati salutem. Cum nuper ex parte Willelmi de Hocot quem ad denunciacionem vestram tamquam excommunicacionem et claves ecclesie contempnentem per corpus suum secundum consuetudinem Anglie per vicecomitem nostrum Rotelandie iusticiari preceperimus donec sancte ecclesie de contemptu quam de iniuria ei illata ab eo esset satisfactum nobis esset ostensum, quod licet idem Willelmus vobis frequenter optulerit idoneam caucionem de perinde mandatis ecclesie in forma iuris ut per hoc absolucionis beneficium consequi posset, et vos huiusmodi caucionem ab eodem Willelmo admittere recusassetis vobis pluries mandavimus quod accepta ab eodem Willelmo caucione huiusmodi ipsum a prisona qua occasione predicta detinetur deliberari mandaretis, vos ad mandata nostra predicta tociens vobis pro eodem Willelmo directa consideracionem aliquam non habentes caucionem huiusmodi a predicto Willelmo admittere et ipsum a prisona nostra predicta deliberari mandare hactenus non curavistis quo non immerito commovemur. Nos igitur nolentes ipsum Willelmum ita voluntarie et contra iusticiam diutius in prisona taliter detineri, vobis iterato mandamus quod acceptata a predicto Willelmo caucionem predictam ipsum a prisona illa iuxta tenorem mandatorum nostrorum tociens vobis pro eodem Willelmo directorum deliberari mandetis. Alioquin quod nostrum est in hac parte exequemur. Teste me ipso apud Eboracum. viii° die Julii anno regni nostri sextodecimo.

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